

RS 33:4690.13**§4690.13. Ascension Parish Road Infrastructure Development Districts**

A. Findings and purpose. (1) At the request of the governing authority of Ascension Parish, the legislature finds that the traditional method of financing new residential road infrastructure developments by separate taxes or assessments for each individual road improvement project, though very appropriate in many cases, may not be the best way to provide for multiple road improvement projects in a relatively small geographic area. The legislature finds that an effective alternative method of financing new road infrastructure improvements in a small geographic area is to finance the entire undertaking as a single package. It is the purpose of this Section to authorize the levy of ad valorem taxes and non ad valorem assessments for financing only new residential road infrastructure improvement projects in Ascension Parish.

(2) The legislature further finds that given the complexity of such projects and the geographic compactness of the areas contemplated for such development, the governing authority of Ascension Parish may wish to create special taxing districts having the authority to plan and execute the new residential road infrastructure development projects and to levy the ad valorem taxes and non ad valorem assessments authorized by this Section. Even if the governing authority of the parish serves as the governing authority of the district, there are proven political and legal advantages to the use of special taxing districts for carrying out governmental functions. It is further the purpose of this Section to authorize the governing authority of Ascension Parish to create special taxing districts authorized to do those things necessary, as prescribed in this Section, to finance, execute, and maintain new residential road infrastructure development projects such as those described in this Subsection.

B. Creation. Without limiting any authority of the governing authority of the parish of Ascension as provided in the government home rule charter, the governing authority may create special taxing districts for new residential developments within the parish for the purpose of new residential road infrastructure improvement projects subject to the provisions of this Section. The parish governing authority may not create such a district until it has held two public hearings on the issue. Any such district shall be a political subdivision of the state as defined in Article VI, Section 44 of the Constitution of Louisiana and shall have all authority granted by the constitution, the home rule charter of Ascension Parish, and this Section. The parish governing authority shall serve as the governing authority of any such special district. The parish governing authority may, at its discretion, require as a condition of creation of the road infrastructure development district that title to, control of, and responsibility for maintenance of any or all road infrastructure projects within the district be transferred to the parish governing authority in accordance with its existing ordinances and practices.

C. Special powers. The district may, subject to applicable regulatory jurisdiction and permitting authority of other public entities and officials, finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems, facilities, and basic road infrastructures for the following:

(1) Bridges or culverts that may be needed across or in any drain, ditch, canal, floodway, holding basin, excavation, public highway, tract, grade, fill, or cut, and roadways over levees and embankments, and may construct any and all of such works and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut.

(2) District roads equal to or exceeding parish specifications and street lights.

D. Taxing authority. (1)(a) The governing authority of a special taxing district created as provided in this Section may levy and collect, in the same manner and at the same time as all other ad valorem taxes in the parish are levied and collected, a special ad valorem tax, not to exceed fifteen mills, upon all taxable, immovable property situated within the boundaries of the district. The ad valorem tax provided for herein shall be in addition to all other ad valorem taxes provided for by law.

(b) The proceeds of the tax authorized by this Paragraph may be used only for road projects within the district.

(2)(a) To maintain, operate, and preserve the facilities and road projects of the district, the district governing authority may levy a maintenance special assessment. The district governing authority shall determine the amount of the assessment based upon a report of the district's engineer and shall assess lands benefitted by the road improvement, such assessments to be apportioned in proportion to the benefits received

by each tract of land. Benefits received shall be determined on a pro rata basis by the amount of road frontage on each lot. Assessments shall be collected and enforced by the tax collector in the same manner and at the same time as ad valorem taxes. Maintenance special assessments shall be a lien on the property against which assessed until paid.

(b) Any non ad valorem assessments shall be sent to the assessor's office no later than April thirtieth for each new district for an assessment for the following fiscal year and shall not exceed two hundred dollars per year per lot.

(3) The tax and assessment authorized by the provisions of this Subsection shall be levied by ordinance of the governing authority of the district only after the governing authority of the district has called a special election submitting the proposition for the levy of any such tax or assessment to the qualified electors of the district and the proposition has received a favorable vote of a majority of the qualified electors voting in the election; however, if there are no qualified electors in the district as certified by the registrar of voters, no such election shall be required. The powers and rights conferred by this Subsection shall be in addition to the powers and rights conferred by any other general or special law. No other election shall be required for the levy of any such tax or assessment except as provided in this Paragraph.

E. General powers and duties. The governing authority of the district shall have the following additional powers and duties:

- (1) To adopt bylaws for the regulation of its affairs and the conduct of its business.
- (2) To adopt an official seal and alter the seal at its pleasure.
- (3) To maintain an office at such place as it may designate and to occupy space for such purposes as may be made available by the parish governing authority.
- (4) To sue and to be sued.
- (5) To receive, administer, and comply with the conditions and requirements respecting any gift, grant, guarantee, subsidy, or donation of any property or money.
- (6) To acquire, by any lawful means, property, including rights-of-way, and to hold and use any franchise or property, whether immovable, movable or mixed, corporeal or incorporeal, necessary or desirable for carrying out the objects and purposes of the district.
- (7) To borrow money and issue bonds or obligations of the district in the manner provided by this Section and to refund the same.
- (8) To make and execute contracts and other instruments necessary in the exercise of the powers and functions of the district under this Section.
- (9) To pledge or assign any monies, fees, charges, or other revenues and any proceeds derived by the district from the sale of bonds and other contracts or rights of the district.
- (10) To employ such employees, to make use of such persons as the parish governing authority may make available to the district for its use, and to employ or otherwise retain the services of accountants, financial advisors, underwriters, attorneys, engineers, and such other consultants as may be required, in the judgment of the governing authority, and to fix and pay their compensation.
- (11) To exercise any and all other powers necessary to accomplish the purposes set forth herein.
- (12) Nothing in this Section shall be construed as to vest or confer the power of expropriation on the parish governing authority or any special taxing district.

F. Authority to incur debt. (1) For any of its lawful purposes, the district governing authority may issue bonds secured by and payable from a pledge of the proceeds of the ad valorem taxes and the non ad valorem assessments authorized by this Section. The bonds shall have such form, characteristics, and details and shall be issued in accordance with this Subsection and all other laws applicable to the issuance of bonds by political subdivisions including but not limited to Article VI, Section 35 of the Constitution of Louisiana and Part IV of Chapter 11 and Chapters 13, 13-A, 14, and 14-A of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950.

(2) The district governing authority shall authorize the issuance of bonds by adoption of a resolution. It may not adopt a resolution authorizing the issuance of general obligation bonds until a proposition authorizing the funding of the tax or assessment into bonds and stating the purpose or purposes for which the bonds will be issued is approved by a majority of the qualified district electors voting on the proposition at an election held for that purpose and conducted in accordance with the Louisiana Election Code.

(3) The bonds shall be of such series, bear such date or dates, be serial or term bonds, mature at such time or times no later than thirty years from their date, bear interest at such rate or rates payable on such date

or dates, be in such denomination, be in such form, carry such registration and exchangeability provisions, be payable in such medium of payment and at such place or places, be subject to such terms of redemption, and be entitled to such priorities on the tax or assessment as the resolution authorizing such bonds may provide.

(4) The bonds shall be executed in the name of the district by the manual or facsimile signatures of such official or officials as may be designated in the resolution authorizing their issuance. If any officer whose manual or facsimile signature appears on any bond ceases to be such officer before the delivery of such bonds, such signature nevertheless shall be valid and sufficient for all purposes as if he had remained in office until such delivery. The resolution may provide for authentication of the bonds by the fiscal agent thereunder.

(5) The commissioners, officers, or employees of the district or any other person executing the bonds of the district, while acting within the scope of their authority, shall not be personally liable for the bonds nor be subject to any personal liability or accountability by reason of the issuance, sale, and delivery thereof.

(6) The holders of any bonds issued hereunder shall have such rights and remedies as may be provided in the resolution authorizing the issuance of the bonds, including but not by way of limitation, appointment of a trustee for bondholders and any other available civil action to compel compliance with the terms and provisions of the bonds and the resolution.

(7)(a) Until all bonds issued pursuant to this Subsection have been retired as to principal and interest or irrevocable provision otherwise made for their complete redemption and payment in principal, interest, and redemption premium if any, neither the legislature, the district, nor any other authority may act to do any of the following:

(i) Impair any obligation of contract for the benefit of the holders of the bonds.

(ii) Discontinue or decrease the tax or assessment or permit to be discontinued or decreased the tax or assessment in anticipation of the collection of which such bonds have been issued.

(iii) Make any change in the allocation and dedication of the proceeds of such tax that would diminish the amount of the tax revenues to be received by the district.

(b) There is hereby vested in the holders of such bonds a contract right in the provisions of this Subsection.

(8) Bonds issued pursuant to this Subsection shall have all the qualities of negotiable paper and shall constitute negotiable instruments under applicable state law. They shall not be invalid for any irregularity or defect in the proceedings for the issuance and sale thereof and shall be incontestable in the hands of bona fide purchasers or holders for value.

(9) All bonds and the income therefrom shall be exempt from taxation by the state and any political subdivision thereof. The bonds shall be legal and authorized investments for banks, savings banks, insurance companies, homestead and building and loan associations, trustees, and other fiduciaries and may be used for deposit with any officer, board, or political subdivision of the state in any case where, by present or future laws, deposit of security is required.

(10) All bonds issued shall be advertised for sale on sealed bids. The district may reject any and all bids. If the bonds are not sold pursuant to the advertisement, they may be sold by the commission at private sale within sixty days after the date advertised for the reception of sealed bids, but no private sale shall be made at a price less than the highest bid received. If not so sold, the bonds shall be readvertised as prescribed by this Paragraph.

(11) The proceeds derived from the sale of bonds shall be used exclusively by the issuer for the purpose or purposes for which the bonds are authorized to be issued, but the purchasers of the bonds shall not be obligated to see to the application thereof.

(12) The governing authority of a special taxing district shall require all developers to notify potential buyers of any property located within a new residential road infrastructure development of all potential taxes and fees.

G. Exceptions. The provisions of this Section shall not be applicable to the financing of any road infrastructure projects on any property in which the ownership of multiple adjacent parcels of the property resides with a single extended family or was inherited from a single family.

H. Termination of Section. This Section shall cease to be effective on August 1, 2024.

Acts 2014, No. 499, §1, eff. June 5, 2014.