

RÉSUMÉ DIGEST

ACT 447 (HB 787)

2016 Regular Session

Ivey

Existing law creates the Wedgewood Crime Prevention and Improvement District in East Baton Rouge Parish as a political subdivision of the state for the purpose of aiding in crime prevention and providing for the overall betterment of the district. Provides for a seven-member board of commissioners and provides for district boundaries.

New law modifies the district's boundaries.

Prior law authorized the governing authority of East Baton Rouge Parish to impose and collect a parcel fee within the district. New law authorizes the district, rather than the parish, to impose and collect such fee.

Prior law provided that the maximum per parcel fee was \$50 per year. New law increases the maximum fee to \$150 for parcels zoned residential and \$400 for parcels zoned commercial. New law further provides that the initial fee shall be \$95 for parcels zoned residential and \$250 for parcels zoned commercial.

Prior law provided that the fee would be levied beginning Jan. 1, 2007. Further provided that if the fee was not approved at the election on Sept. 30, 2006, then the provisions of existing and prior law were null and void and of no effect. New law removes prior law.

New law provides that any election to authorize the renewal of the fee shall be held at the same time as a regularly scheduled election in the parish of East Baton Rouge. Provides that if the fee is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed 10 years.

New law authorizes the board of commissioners, subject to specified limitations, to increase the amount of the parcel fee twice, without an election, not to exceed the maximum amount authorized in new law.

Prior law authorized the parish to retain 1% of the amount collected as a collection fee. New law instead authorizes the district to enter into an agreement with the sheriff to retain a collection fee.

Existing law requires the board of commissioners to adopt an annual budget in accordance with the Local Government Budget Act. Prior law provided that the budget and all amendments shall be submitted to the East Baton Rouge Metropolitan Council. New law removes the requirement that the budget and all amendments be submitted to the East Baton Rouge Metropolitan Council.

New law requires the district to indemnify its officers and board members to the fullest extent permitted by existing law (relative to indemnification of officers, directors, employees, and agents of nonprofit corporations) as fully as if the district were a nonprofit corporation governed thereby and as may be provided in district bylaws. Provides that no board member or officer shall be liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for monetary damages for breach of duties. Provides that this shall not eliminate or limit the liability of a board member or officer for:

- (1) Acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law.
- (2) Any transaction from which he derived an improper personal benefit.

New law provides that a board member or officer shall not be individually liable for any act or omission arising out of the performance of his duties to the fullest extent permitted by existing law relative to limitation of liability of directors, officers, and trustees of certain organizations and districts.

Provides that the provisions of the Act have no effect on the parcel fee being imposed within the district on the effective date of the Act that was approved by the voters in the district at an election held on Sept. 30, 2006. Provides that the fee shall continue to be imposed until

it expires. Authorizes the district to then impose a parcel fee as provided in the Act if the imposition of the fee has been approved by the district's voters.

Effective upon signature of governor (June 9, 2016).

(Amends R.S. 33:9097.3(B), (F), and (G)(1); Adds R.S. 33:9097.3(I))