

2016 Regular Session

HOUSE BILL NO. 731

BY REPRESENTATIVE MARCELLE

1 AN ACT

2 To enact R.S. 33:9097.28, relative to East Baton Rouge Parish; to create the Capital Heights  
3 Crime Prevention and Improvement District; to provide relative to the boundaries,  
4 purpose, governance, and powers and duties of the district; to provide relative to  
5 district funding, including the authority to impose a parcel fee, subject to voter  
6 approval, within the district; to provide with respect to termination of the district;  
7 and to provide for related matters.

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

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:9097.28 is hereby enacted to read as follows:

13 §9097.28. Capital Heights Crime Prevention and Improvement District

14 A. Creation. There is hereby created within the parish of East Baton Rouge,  
15 as more specifically provided in Subsection B of this Section, a body politic and  
16 corporate which shall be known as the Capital Heights Crime Prevention and  
17 Improvement District, referred to in this Section as the "district". The district shall  
18 be a political subdivision of the state as defined in the Constitution of Louisiana.

19 B. Boundaries. The district shall include all property between Government  
20 Street and Claycut Drive contained by Jefferson Highway to the east and Acadian  
21 Thruway to the west.

1           C. Purpose. The purpose of the district shall be to aid in crime prevention,  
2           to enhance security within the district, to provide for an increase in security patrols  
3           in the district, and to provide for the overall betterment of the district.

4           D. Governance. (1) The district shall be governed by a five-member board  
5           of commissioners, referred to in this Section as the "board". The board shall be  
6           composed as follows:

7           (a) The board of directors of the Capital Heights Neighborhood Association  
8           shall appoint one member.

9           (b) The member of the Louisiana House of Representatives whose district  
10          encompasses all or the greater portion of the area of the district shall appoint one  
11          member.

12          (c) The member of the Louisiana Senate whose district encompasses all or  
13          the greater portion of the area of the district shall appoint one member.

14          (d) The member of the East Baton Rouge Parish Metro Council whose  
15          district encompasses all or the greater portion of the area of the district shall appoint  
16          one member.

17          (e) The assessor for the parish of East Baton Rouge shall appoint one  
18          member.

19          (2) All members of the board shall own property and reside within the  
20          district and shall be qualified voters of the district.

21          (3)(a) Members shall serve four-year terms after the initial terms as provided  
22          in this Subparagraph. Two members shall serve an initial term of one year; two shall  
23          serve two years, and one shall serve four years, as determined by lot at the first  
24          meeting of the board.

25          (b) Members shall be eligible for reappointment.

26          (4) Any vacancy in the membership of the board shall be filled in the manner  
27          of the original appointment. If the appointing authority responsible for the  
28          appointment of a member fails to fill a vacancy within thirty days, the remaining  
29          members of the board may appoint an interim successor to serve until the position  
30          is filled by the appointing authority.

1           (5) The board shall elect from its members a chairman, a vice chairman, a  
2           secretary, a treasurer, and such other officers as it deems necessary. The duties of  
3           the officers shall be fixed by the bylaws adopted by the board.

4           (6) The members of the board shall serve without compensation but shall be  
5           reimbursed for reasonable out-of-pocket expenses directly related to the governance  
6           of the district, not to exceed one hundred dollars per year.

7           (7) The board shall keep minutes of all meetings and shall make them  
8           available through the secretary of the board. The minute books and archives of the  
9           district shall be maintained by the secretary of the board. The monies, funds, and  
10          accounts of the district shall be in the official custody of the board.

11          (8) The board shall adopt such rules and regulations as it deems necessary  
12          or advisable for conducting its business affairs. The board shall hold regular  
13          meetings as shall be provided for in the bylaws and may hold special meetings at  
14          such times and places within East Baton Rouge Parish as may be prescribed in the  
15          bylaws.

16          (9) A majority of the membership of the board shall constitute a quorum for  
17          the transaction of business, and all official action of the board shall require the  
18          favorable vote of a majority of those members present and voting. All members of  
19          the board shall be voting members.

20          (10) The domicile of the board shall be in East Baton Rouge Parish.

21          E. Powers and duties. The district, acting through its board, shall have the  
22          following powers and duties:

23               (1) To sue and be sued.

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

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

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

29               (5) To provide or enhance security patrols in the district, to provide for  
30          improved lighting, signage, or matters relating to the security of the district, to

1 provide for the beautification of and improvement to the district, and to provide  
2 generally for the overall betterment of the district.

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

5 (7) To provide for such services and make such expenditures as the board  
6 deems proper to carry out the purposes of the district.

7 (8) To acquire or lease items and supplies which the board deems proper to  
8 carry out the purposes of the district.

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

13 (10) To perform or have performed any other function or activity necessary  
14 or appropriate to carry out the purposes of the district or for the overall betterment  
15 of the district.

16 F. Parcel fee. The governing authority of the district may impose and collect  
17 a parcel fee within the district subject to and in accordance with the provisions of this  
18 Subsection:

19 (1)(a) The fee shall be imposed on each improved and unimproved parcel  
20 located within the district.

21 (b) For purposes of this Section, a parcel shall be defined as a lot, a  
22 subdivided portion of ground within Capital Heights, and which is listed on the tax  
23 rolls for assessment of property taxes. The owner of the parcel shall be responsible  
24 for payment of the fee.

25 (2)(a) The amount of the fee shall be as provided in a duly adopted  
26 resolution of the board. The fee imposed on each improved parcel shall be a flat fee  
27 per parcel not to exceed two hundred fifty dollars per year. The fee imposed on each  
28 unimproved parcel shall not exceed fifty percent of the fee imposed on each  
29 improved parcel. The fee imposed on each parcel whose owner qualifies for the  
30 special assessment level provided by Article VII, Section 18(G)(1) of the

1       Constitution of Louisiana shall be twenty-five percent of the amount of the fee that  
2       would otherwise be imposed on such parcel. The initial fee imposed on each parcel  
3       during the first calendar year shall not exceed one hundred dollars.

4               (b) The board may increase the fee one time during each subsequent calendar  
5       year not to exceed twenty percent of the amount of the fee imposed during the  
6       previous calendar year; however, the amount of the fee shall not exceed the  
7       maximum amount authorized in Subparagraph (a) of this Paragraph.

8               (c) No fee may be imposed or increased pursuant to the provisions of this  
9       Subsection unless the question of its imposition and the board's authority to increase  
10       the fee has been approved by a majority of the registered voters of the district who  
11       vote on the proposition at an election held for that purpose in accordance with the  
12       Louisiana Election Code.

13               (d) If approved, the fee and the board's authority to increase the fee shall  
14       expire in ten years, but the fee and the board's authority to increase the fee may be  
15       renewed if approved by a majority of the registered voters of the district voting on  
16       the proposition at an election as provided in Subparagraph (c) of this Paragraph. If  
17       the fee and the board's authority to increase the fee is renewed, the term of the  
18       imposition of the fee shall be as provided in the proposition authorizing such  
19       renewal, not to exceed ten years.

20               (3) The fee shall be collected at the same time and in the same manner as ad  
21       valorem taxes are collected for East Baton Rouge Parish. The tax collector shall  
22       collect and remit to the district all amounts collected not more than sixty days after  
23       collection; however, the district may enter into an agreement with the tax collector  
24       to authorize the retention of an annual collection fee, not to exceed one percent of the  
25       amount collected.

26               (4) Any parcel fee which is unpaid shall be added to the tax rolls of East  
27       Baton Rouge Parish and shall be enforced with the same authority and subject to the  
28       same penalties and procedures as unpaid ad valorem taxes.

29               G. Additional contributions. The district may solicit, accept, and expend  
30       additional voluntary contributions and grants to carry out the purposes of the district.

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

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

5                   I. Miscellaneous provisions. (1) It is the purpose and intent of this Section  
6                   that any additional law enforcement personnel and services provided for through the  
7                   fees authorized in this Section shall be supplemental to, and not in lieu of, personnel  
8                   and services to be provided in the district by publicly funded law enforcement  
9                   agencies.

10                  (2) If the district ceases to exist, any funds of the district shall be transmitted  
11                  to the governing authority of the city of Baton Rouge, parish of East Baton Rouge  
12                  and shall be used for law enforcement purposes in the area which comprised the  
13                  district.

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

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

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

25                  (b) Any transaction from which he or she derived an improper personal  
26                  benefit.

27                  (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.  
28                  9:2792.1 through 2792.9, a person serving the district as a board member or officer  
29                  shall not be individually liable for any act or omission arising out of the performance  
30                  of his duties.

1           Section 2. 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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_