

Regular Session, 2011

# ACT No. 289

HOUSE BILL NO. 485

BY REPRESENTATIVE GREENE

## AN ACT

To amend and reenact R.S. 33:9097.8(D)(1) through (3), (F), (G)(1), and (H)(2) and to enact R.S. 33:9097.8(I), relative to the Broadmoor Crime Prevention and Improvement District; to provide for membership on the board of commissioners of the district; to provide for terms of the commissioners; to provide for the levy of a parcel fee; to provide relative to the taxing authority of the district; to provide relative to the district's budget; to provide for indemnity for commissioners; to provide for vacancies and subsequent appointments to the board; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9097.8(D)(1) through (3), (F), (G)(1), and (H)(2) are hereby amended and reenacted and R.S. 33:9097.8(I) is hereby enacted to read as follows:

§9097.8. Broadmoor Crime Prevention and Improvement District

\* \* \*

D. Governance. (1) The district shall be governed by a board of commissioners consisting of seven members as follows:

(a) ~~The president of the Broadmoor Residents Association, Inc.~~ The board of directors of the Broadmoor Residents' Association, Inc., shall appoint two members.

(b) ~~The board of directors of the Broadmoor Residents Association, Inc. or its successor shall appoint one member.~~

(c) The member or members of the Louisiana House of Representatives who represent the area which comprises the district shall appoint one member.

(~~d~~) (c) The member or members of the Louisiana Senate who represent the area which comprises the district shall appoint one member.

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

(f) (e) The mayor-president for the parish of East Baton Rouge shall appoint one member.

~~(g)~~ (f) The Metro Council member or council members who represent the district shall appoint one member.

(2) All members of the board shall own property and reside within the district.

(3)(a) ~~The terms of the members appointed pursuant to Subparagraphs (1)(c) through (g) of this Subsection shall be concurrent with the respective appointing authority. The terms of the members appointed pursuant to Subparagraph (1)(a) of this Subsection shall be two years.~~

(b) ~~The member serving pursuant to Subparagraph (1)(b) of this Subsection shall serve a term of four years after an initial term of one year. The terms of the members serving pursuant to Subparagraphs (1)(b) through (f) of this Subsection shall be three years.~~

~~(c) The member serving pursuant to Subparagraph (1)(a) of this Subsection shall serve during his term of office.~~

\* \* \*

~~F. Ad valorem tax. The governing authority of East Baton Rouge Parish is hereby authorized to levy and collect annually special taxes within the district subject to and in accordance with the provisions of this Subsection:~~

~~(1) The amount of the annual tax shall be as requested by duly adopted resolution of the governing authority of the district. The tax shall be a special ad valorem tax levied on taxable property in the district and shall not exceed one mill.~~

1                   ~~(2)(a) The tax shall be levied on each improved parcel located within the~~  
2                   ~~district.~~

3                   ~~(b) For purposes of this Section, "parcel" means a lot, a subdivided portion~~  
4                   ~~of ground, or an individual tract and does not mean a "condominium parcel" as~~  
5                   ~~defined in R.S. 9:1121.103. Thus, with respect to condominiums, the fee collector~~  
6                   ~~shall impose the parcel fee on each lot on which condominiums are situated and not~~  
7                   ~~on individual condominium units.~~

8                   ~~(c) The owner of the parcel shall be responsible for payment of the tax. The~~  
9                   ~~tax collector shall submit the bill for a parcel fee which is to be collected from~~  
10                  ~~condominium owners to the condominium owners' association and the association~~  
11                  ~~shall pay the fee from funds available for that purpose. The association shall remain~~  
12                  ~~liable for the entire fee until it is paid.~~

13                  ~~(3)(a) The fee shall be imposed only after the question of its imposition has~~  
14                  ~~been approved by a majority of the registered voters of the district voting at an~~  
15                  ~~election held for that purpose in accordance with the Louisiana Election Code. At~~  
16                  ~~least thirty days prior to any election held to approve the levy of a tax, the board of~~  
17                  ~~commissioners shall mail notification of the upcoming election to each registered~~  
18                  ~~voter of the district and to the owner of a parcel if the owner is not a registered voter~~  
19                  ~~of the district. No other election shall be required except as provided by this~~  
20                  ~~Paragraph.~~

21                  ~~(b) The tax shall expire ten years from its initial levy but may be renewed as~~  
22                  ~~provided in Subparagraph (3)(a) of this Subsection. If renewed, the term of the~~  
23                  ~~imposition of the tax shall be as provided in the proposition authorizing such~~  
24                  ~~renewal, not to exceed ten years.~~

25                  ~~(4) The tax shall be collected at the same time and in the same manner as all~~  
26                  ~~other ad valorem taxes on property subject to taxation by the city are levied and~~  
27                  ~~collected.~~

28                  ~~(5) Any tax which is unpaid shall be added to the tax rolls of the city and~~  
29                  ~~shall be enforced with the same authority and subject to the same penalties and~~  
30                  ~~procedures as unpaid ad valorem taxes.~~

1           ~~(6) The parish of East Baton Rouge shall remit to the district all amounts~~  
2           ~~collected not more than sixty days after collection. However, the board may enter~~  
3           ~~into an agreement with the parish to authorize the parish to retain, as a collection fee,~~  
4           ~~not more than one percent of the amount collected.~~

5           F. Parcel fee. The governing authority of East Baton Rouge Parish is hereby  
6           authorized to impose and collect a parcel fee within the district subject to and in  
7           accordance with the provisions of this Subsection:

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

10          (b) For the purposes of this Section, a parcel shall be defined as a lot, a  
11          subdivided portion of ground, or an individual tract on which a residential or  
12          commercial structure is situated; however, the term "parcel" shall not include  
13          "condominium parcel" or "condominium property" as defined in R.S. 9:1121.103.

14          (2)(a)(i) The initial amount of the fee shall be as requested by duly adopted  
15          resolution of the governing authority of the district. The initial fee shall not exceed  
16          one hundred dollars per parcel per year.

17          (ii) The fee shall be imposed only after the question of its imposition has  
18          been approved by a majority of the registered voters of the district voting on the  
19          proposition at an election held for that purpose in accordance with the Louisiana  
20          Election Code. No less than thirty days prior to any election held to approve such  
21          parcel fee, the board of commissioners shall mail notification of the upcoming  
22          election to each registered voter of the district and to the owner of a parcel if the  
23          owner is not a registered voter of the district.

24          (b) Not less than five years after approval of the parcel fee by a majority of  
25          the registered voters of the district, the governing authority of the district may  
26          increase the amount of the parcel fee one time without an election. The amount of  
27          the increased fee shall be as provided in a duly adopted resolution of the board, not  
28          to exceed two hundred dollars per parcel per year.

29          (3) A parcel fee shall expire ten years after its levy but may be renewed if  
30          the renewal is approved by the voters in the manner provided in Subparagraph (2)(a)

1        of this Subsection. The renewed fee shall not exceed two hundred dollars per parcel  
2        per year. If renewed, the term of the imposition of the fee shall be as provided in the  
3        proportion authorizing such renewal, not to exceed ten years.

4                (4) The owner of the parcel is responsible for payment of the fee.

5                (5) The fee shall be collected at the same time and in the same manner as ad  
6        valorem taxes are collected by the sheriff, as ex officio tax collector, of East Baton  
7        Rouge Parish. The sheriff shall collect and remit to the district all amounts collected  
8        not more than sixty days after collection. He shall retain as a commission the same  
9        percentage of collectable amounts as he receives for the collection of ad valorem  
10       taxes.

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

14               G. Budget. (1) The board of commissioners shall adopt an annual budget  
15        in accordance with the Louisiana Local Government Budget Act, R.S. 39:1301 et  
16        seq. The budget and all amendments shall be ~~subject to the approval of~~ submitted  
17        to the East Baton Rouge Metropolitan Council.

18                                \*           \*           \*

19               H. Miscellaneous provisions.

20                                \*           \*           \*

21               (2) If the district ceases to exist, any funds of the district shall be transmitted  
22        to the governing authority of East Baton Rouge Parish and shall be used for law  
23        enforcement purposes in the area which comprised the district.

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

28               (2) No board member or officer of the district shall be liable to the district  
29        or to any individual who resides, owns property, visits, or otherwise conducts  
30        business in the district for monetary damages for breach of his duties as a board

1 member or officer, provided that the foregoing provision shall not eliminate or limit  
2 the liability of a board member or officer for any of the following:

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

5 (b) Any transaction from which he derived an improper personal benefit.

6 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.  
7 9:2792.1 through 2792.9, a person serving the district as a board member or officer  
8 shall not be individually liable for any act or omission arising out of the performance  
9 of his duties.

10 Section 2. The term of each commissioner serving on the effective date of this Act  
11 shall terminate at midnight on December 31, 2011. All subsequent appointments to the  
12 board and all vacancies on the board shall be filled according to the provisions of this Act.

13 Section 3. This Act shall become effective upon signature by the governor or, if not  
14 signed by the governor, upon expiration of the time for bills to become law without signature  
15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
16 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
17 effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

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