

Regular Session, 2014

HOUSE BILL NO. 289

BY REPRESENTATIVE PONTI

DISTRICTS/CRIME PREVENT: Creates the Tara Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish

1 AN ACT

2 To enact R.S. 33:9097.22, relative to East Baton Rouge Parish; to create the Tara Crime  
3 Prevention and Neighborhood Improvement District within the parish; to provide  
4 relative to the boundaries, purpose, governance, and powers and duties of the district;  
5 to provide relative to the funding, including the authority to impose a parcel fee,  
6 subject to voter approval, within the district; to provide with respect to termination  
7 of the district; 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. 33:9097.22 is hereby enacted to read as follows:

13 §9097.22. Tara Crime Prevention and Neighborhood 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 Tara Crime Prevention and Neighborhood  
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. (1) The district shall include all property shown on the final  
20 subdivision plats for Tara Subdivision filings First, Second, Third, Fourth and Fifth

1 filed with the East Baton Rouge Parish Clerk of Court including lots 1 through 629  
2 as more particularly described as follows: beginning at the intersection of Tara  
3 Boulevard and Old Hammond Highway, at the southeast corner of Lot 610, proceed  
4 west along Old Hammond Highway to its intersection with the western property line  
5 of Lot 518, then north to the northernmost point of Lot 616, then east to the northeast  
6 corner of Lot 629, then diagonally across Tara Boulevard to the northwest corner of  
7 Lot 1, then east to the North Branch Ward Creek to the southern boundary of Lot  
8 375, then west along Whitehall Avenue to its intersection with Oakley Drive, then  
9 southeast along Oakley Drive to its intersection with the southeastern boundary of  
10 Lot 282, then along the boundary of Lot 282 to its intersection with Normandy  
11 Lateral North Branch Ward Creek, then west- northwest along the Normandy Lateral  
12 North Branch Ward Creek to its intersection with Tara Boulevard, then south to the  
13 point of beginning.

14 C. Purpose. The purpose of the district shall be to aid in crime prevention,  
15 to enhance security within the district, to provide for an increase in security patrols  
16 in the district, to beautify and improve the common areas within the district, and to  
17 provide for the overall betterment of the district.

18 D. Governance. (1) The district shall be governed by a seven-member board  
19 of commissioners, referred to in this Section as the "board". The board shall be  
20 composed as follows:

21 (a) The board of directors of the Tara Civic Association, Inc., shall appoint  
22 four members.

23 (b) The member of the Louisiana House of Representatives whose district  
24 encompasses all or the greater portion of the area of the district shall appoint one  
25 member.

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

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

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

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

7           (b) Members shall be eligible for reappointment.

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

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

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

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

22          (8) The board shall adopt such rules and regulations as it deems necessary  
23          or advisable for conducting its business affairs. Rules and regulations of the board  
24          relative to the notice and conduct of meetings shall conform to applicable provisions  
25          of the Open Meetings Law. The board shall hold regular meetings as shall be  
26          provided for in the bylaws and may hold special meetings at such times and places  
27          within East Baton Rouge Parish as may be prescribed in the bylaws.

1           (9) A majority of the membership of the board shall constitute a quorum for  
2           the transaction of business. The board shall keep minutes of all meetings and shall  
3           make them available through the secretary of the board.

4           (10) Each member of the board shall have one vote, and the vote of a  
5           majority, a quorum being present, shall be required to decide any question upon  
6           which the board takes action.

7           (11) The domicile of the board shall be in East Baton Rouge Parish.

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

10           (1) To sue and be sued.

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

12           (3) To receive and expend funds collected pursuant to Subsection F of this  
13           Section and in accordance with a budget adopted as provided by Subsection H of this  
14           Section.

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

16           (5) To provide or enhance security patrols in the district, to provide for  
17           improved lighting, signage, or matters relating to the security of the district, to  
18           provide for the beautification of and improvement to the district, and to provide  
19           generally for the overall betterment of the district.

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

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

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

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

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

4           F. Parcel fee. The governing authority of the district may impose and collect  
5           a parcel fee within the district subject to and in accordance with the provisions of this  
6           Subsection.

7           (1)(a) The fee shall be imposed on each improved and unimproved parcel  
8           located within the district except Lot 282 and Lot 283 in Tara Subdivision, Second  
9           Filing, and Lot 466 in Tara Subdivision Third Filing, as long as the excepted lots are  
10          owned by Tara Club, Inc., or any successor nonprofit entity, and are used for  
11          recreational purposes primarily for the benefit of residents of Tara Subdivision, as  
12          determined by the board.

13          (b) For the purposes of this Section, a parcel shall be defined as a lot, a  
14          subdivided portion of ground, or an individual tract within Filings First through Fifth  
15          of Tara Subdivision, and which is listed by the parish Tax Assessor on the tax rolls  
16          for assessment of property taxes. The owner of the parcel shall be responsible for  
17          payment of the fee.

18          (2)(a) The initial amount of the fee shall be as provided by duly adopted  
19          resolution of the governing authority of the district. The initial fee shall not exceed  
20          one hundred dollars per parcel per year. The initial fee shall be subject to an annual  
21          increase not to exceed ten percent of the fee for the prior year, up to a maximum  
22          parcel fee of two hundred dollars per year.

23          (b) The parcel fee amount of any increase, and the maximum parcel fee shall  
24          be imposed only after the question of its imposition, the initial fee amount, any  
25          authorized increase, and the maximum amount have been approved by a majority of  
26          the registered voters of the district, voting on the proposition at an election held for  
27          that purpose in accordance with the Louisiana Election Code.

1           (3) The parcel fee shall expire ten years after its levy but may be renewed or  
2           reinstated for additional terms not to exceed ten years if approved by the voters in  
3           the manner provided in Subparagraph (2)(b) of this Subsection.

4           (4) The fee shall be collected at the same time and in the same manner as ad  
5           valorem taxes are collected for East Baton Rouge Parish. The tax collector shall  
6           collect and remit to the district all amounts collected not more than sixty days after  
7           collection; however, the district may enter into an agreement with the tax collector  
8           to authorize retention of an annual collection fee, not to exceed one percent of the  
9           total parcel fees collected for that year.

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

13          G. Additional contributions. The district is authorized to solicit, accept, and  
14          expend additional voluntary contributions and grants to carry out the purposes of the  
15          district.

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

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

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

25          (2) If the district ceases to exist, any funds, equipment, and property of the  
26          district shall be transmitted to the governing authority of the parish of East Baton  
27          Rouge and shall be used only within the district for the purposes set forth in this  
28          Section.

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

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

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

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

14           (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.  
15           9:2792.1 through 2792.9, a person serving the district as a board member or officer  
16           shall not be individually liable for any act or omission arising out of the performance  
17           of his duties.

18           Section 2. This Act shall become effective upon signature by the governor or, if not  
19           signed by the governor, upon expiration of the time for bills to become law without signature  
20           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
21           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
22           effective on the day following such approval.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB No. 289

**Abstract:** Creates the Tara Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish for the purpose of promoting and encouraging the beautification, security, and overall betterment of the district. Provides for a board of commissioners and for the imposition and use of a parcel fee.

Proposed law creates the Tara Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish as a political subdivision of the state for the purpose of aiding in crime prevention by providing increased security for the district residents and the overall betterment of the district. Provides for district boundaries. Provides that the district shall be governed by a board of commissioners consisting of the following members:

- (1) Four members appointed by the board of directors of the Tara Civic Association, Inc. or its successor.
- (2) One member appointed by the member of the La. House of Representatives whose district encompasses all or the greater portion of the area of the district.
- (3) One member appointed by the member of the La. Senate whose district encompasses all or the greater portion of the area of the district.
- (4) One member appointed by the parish assessor of East Baton Rouge Parish.

Proposed law provides that the district has the following powers and duties:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To receive and expend funds from an authorized parcel fee and in accordance with an adopted budget.
- (4) To enter into contracts with individuals or entities, private or public.
- (5) To provide or enhance security patrols in the district, to provide for improved lighting, signage, or matters relating to the security of the district, to provide for the beautification of and improvement to the district, and to provide generally for the overall betterment of the district.
- (6) To enter into contracts and agreements with one or more other districts for the joint security, improvement, or betterment of all participating districts.
- (7) To provide for such services and make such expenditures as the board deems proper to carry out the purposes of the district.
- (8) To acquire or lease items and supplies which the board deems proper to carry out the purposes of the district.
- (9) To procure and maintain liability insurance against any personal or legal liability of a board member that may be asserted or incurred based upon service as a member of the board or that may arise as a result of actions taken within the scope and discharge of duties as a member of the board.
- (10) To perform or have performed any other function or activity necessary or appropriate to carry out the purposes of the district or for the overall betterment of the district.

Proposed law authorizes the governing authority of the district, subject to voter approval, to impose and collect a parcel fee within the district, which amount shall be as provided by a duly adopted board resolution. Provides that the initial fee shall not exceed \$100 per parcel per year and that the initial fee can be raised up to 10% each year. Provides that the maximum parcel fee is \$200 per parcel per year. Defines a parcel as a lot, a subdivided portion of ground, an individual tract, or a condominium parcel as defined in present law (R.S. 9:1121.103).



Proposed law provides that the fee shall be collected in the same manner and at the same time as ad valorem taxes and that any unpaid fee shall be added to the city tax rolls and enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes. Proposed law requires that the fee proceeds be used solely and exclusively for the district's purpose and benefit. Authorizes the tax collector to retain a collection fee, not to exceed 1%, and requires the tax collector to remit to the district all amounts collected not more than 60 days after collection.

Proposed law requires the district's board to adopt an annual budget in accordance with the La. Local Government Budget Act and provides that the district shall be subject to audit by the legislative auditor.

Proposed law provides that it is the purpose and intent of proposed law that the additional law enforcement personnel and their services provided for through the fees authorized by proposed law shall be supplemental to, and not in lieu of, personnel and services provided in the district by publicly funded law enforcement agencies.

Proposed law provides that if the district ceases to exist, all district property shall be transmitted to the parish of East Baton Rouge and used to promote, encourage, and enhance the security, beautification, and overall betterment of the area included in the district.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:9097.22)