

Regular Session, 2014

HOUSE BILL NO. 289

BY REPRESENTATIVE PONTI

DISTRICTS/CRIME PREVENT: Creates the Tara Subdivision 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
3 Subdivision Crime Prevention and Neighborhood Improvement District within the
4 parish; to provide relative to the boundaries, purpose, governance, and powers and
5 duties of the district; to provide relative to the funding, including the authority to
6 impose a parcel fee, subject to voter approval, within the district; to provide with
7 respect to termination 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 Subdivision Crime Prevention and Neighborhood Improvement
14 District

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

1 B. Boundaries. (1) The district shall include all property shown on the final
2 subdivision plats for Tara Subdivision filings First, Second, Third, Fourth, and Fifth
3 filed with the East Baton Rouge Parish Clerk of Court including lots 1 through 629
4 as more particularly described as follows: beginning at the intersection of Tara
5 Boulevard and Old Hammond Highway, at the southeast corner of Lot 610, proceed
6 west along Old Hammond Highway to its intersection with the western property line
7 of Lot 518, then north to the northernmost point of Lot 616, then east to the northeast
8 corner of Lot 629, then diagonally across Tara Boulevard to the northwest corner of
9 Lot 1, then east to the North Branch Ward Creek then southeast and south along the
10 North Branch Ward Creek to the southern boundary of Lot 375, then west along
11 Whitehall Avenue to its intersection with Oakley Drive, then south-southeast along
12 Oakley Drive to its intersection with the southeastern boundary of Lot 282, then
13 along the southeastern boundary of Lot 282 to its intersection with Normandy Lateral
14 North Branch Ward Creek, then west-northwest along the Normandy Lateral North
15 Branch Ward Creek to its intersection with Tara Boulevard, then south to the point
16 of beginning.

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

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

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

26 (b) The member of the Louisiana House of Representatives whose district
27 encompasses all or the greater portion of the area of the district shall appoint one
28 member.

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

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

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

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

11 (b) Members shall be eligible for reappointment.

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

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

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

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

27 (8) The board shall adopt such rules and regulations as it deems necessary
28 or advisable for conducting its business affairs. Rules and regulations of the board
29 relative to the notice and conduct of meetings shall conform to applicable provisions

1 of the Open Meetings Law. The board shall hold regular meetings as shall be
2 provided for in the bylaws and may hold special meetings at such times and places
3 within East Baton Rouge Parish as may be prescribed in the bylaws.

4 (9) A majority of the membership of the board shall constitute a quorum for
5 the transaction of business, and all official action of the board shall require the
6 favorable vote of a majority of those members present and voting. All members of
7 the board shall be voting members.

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

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

11 (1) To sue and be sued.

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

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

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

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

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

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

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

27 (9) To procure and maintain liability insurance against any personal or legal
28 liability of a board member that may be asserted or incurred based upon service as

1 a member of the board or that may arise as a result of actions taken within the scope
2 and discharge of duties as a member of the board.

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

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

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

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

15 (2)(a) The amount of the fee shall be as provided in a duly adopted
16 resolution of the board. The fee shall be a flat fee per parcel not to exceed two
17 hundred dollars per year for each parcel; however, the initial fee for the first calendar
18 year shall not exceed one hundred dollars per parcel.

19 (b) The board may increase the fee one time during each subsequent calendar
20 year not to exceed ten percent of the amount of the fee imposed during the previous
21 calendar year; however, the amount of the fee shall not exceed the maximum amount
22 authorized in Subparagraph (a) of this Paragraph.

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

28 (d) If approved, the fee and the board's authority to increase the fee shall
29 expire in ten years, but the fee and board's authority to increase the fee may be

1 renewed if approved by a majority of the registered voters of the district voting on
2 the proposition at an election as provided in Subparagraph (c) of this Paragraph. If
3 the fee and board's authority to increase the fee is renewed, the term of the
4 imposition of the fee shall be as provided in the proposition authorizing such
5 renewal, not to exceed ten years.

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

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

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

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

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

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

27 (2) If the district ceases to exist, any funds, equipment, and property of the
28 district shall be transmitted to the governing authority of the parish of East Baton

1 Rouge and shall be used only within the district for the purposes set forth in this
2 Section.

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

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

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

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

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

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

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)]

Ponti

HB No. 289

Abstract: Creates the Tara Subdivision Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish. Provides for the district's boundaries, purpose, governance, and funding, including the authority to impose a parcel fee.

Proposed law creates the Tara Subdivision 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 for an increase in security patrols in the district and providing for the beautification, improvement, and overall betterment of the district. Provides for district boundaries. Provides that the district will be governed by a board of commissioners composed as follows:

- (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.

Requires board members to own property and reside in the district and to be qualified voters of the district.

Proposed law provides for the district's powers and duties including the following:

- (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.

Proposed law authorizes the board, subject to voter approval, to impose a parcel fee on each improved and unimproved parcel within the district not to exceed \$200 per parcel per year, which amount shall be as provided in a duly adopted board resolution. Provides however, that the initial fee for the first calendar year shall not exceed \$100 per parcel. Authorizes the board, subject to voter approval, to increase the fee one time during each calendar year

not to exceed 10% of the amount of the fee imposed during the previous calendar year. Provides that the fee and the board's authority to increase the fee expires in 10 years, but authorizes renewal of the fee for a term not to exceed 10 years. Defines a "parcel" as a lot, a subdivided portion of ground, or an individual tract within the boundaries of the district which is listed on the tax rolls for assessment of property taxes.

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 parish tax rolls and enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes. Requires the tax collector to remit to the district all amounts collected not more than 60 days after collection and authorizes the district to enter into an agreement with the tax collector to authorize the retention of a collection fee, not to exceed 1% of the amount collected.

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 funds and property shall be transmitted to the parish of East Baton Rouge and used to promote 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)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill.

1. Makes changes to the district's name and boundaries.
2. Removes provisions that except certain property from the imposition of the parcel fee.
3. Makes technical amendments clarifying voting by the board, the maximum amount of the parcel fee, funds the district may spend, and the maximum fee to be retained by the tax collector.