

2015 Regular Session

HOUSE BILL NO. 691

BY REPRESENTATIVE SMITH

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

1 AN ACT

2 To enact R.S. 33:9097.25, relative to East Baton Rouge Parish, to create the Riverbend
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 within the district; and
6 to provide for related matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:9097.25 is hereby enacted to read as follows:

12 §9097.25. Riverbend Crime Prevention and Improvement District

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

18 B. Boundaries. The district shall include all property shown on the final
19 subdivision plats for Riverbend Subdivision filings First, Second, Third, Fourth,
20 Fifth, Eighth, and Ninth filed with the East Baton Rouge Parish Clerk of Court.

1 C. Purpose. The purpose of the district shall be to aid in crime prevention
2 and to add to the security of district residents by providing for an increase in the
3 presence of law enforcement personnel in the district and to serve the needs of the
4 residents of the district by funding beautification and improvements for the overall
5 betterment of the district.

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

9 (a) The president of the Riverbend Homeowners Association, referred to in
10 this Section as the "association".

11 (b) The board of directors of the association shall appoint three members.

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

15 (d) The member of the Louisiana Senate whose district encompasses all or
16 the greater portion of the area of the district shall appoint 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 initial terms as provided in
22 this Subparagraph. Two members shall serve an initial term of one year; two shall
23 serve two years; two shall serve three years, and one shall serve four years, as
24 determined by lot at the first meeting of the board.

25 (b) Any vacancy which occurs prior to the expiration of the term for which
26 a member of the board has been appointed shall be filled for the remainder of the
27 unexpired term in the same manner as the original appointment. Board members
28 shall be eligible for reappointment.

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

4 (5) The minute books and archives of the district shall be maintained by the
5 secretary of the board. The monies, funds, and accounts of the district shall be in the
6 official custody of the board.

7 (6) The board shall adopt such bylaws as it deems necessary or advisable for
8 conducting its business affairs. Rules and regulations of the board relative to the
9 notice and conduct of meetings shall conform to applicable law, including, if
10 applicable, the Open Meetings Law. The board shall hold regular meetings as shall
11 be provided for in the bylaws and may hold special meetings at such times and
12 places within the district as may be prescribed in the bylaws.

13 (7) A majority of the members of the board shall constitute a quorum for the
14 transaction of business. The board shall keep minutes of all meetings and shall make
15 them available through the secretary of the board.

16 (8) Each member of the board shall have one vote, and the vote of a majority
17 of the members of the board present and voting, a quorum being present, shall be
18 required to decide on any question upon which the board takes action.

19 (9) The members of the board shall serve without compensation but shall be
20 reimbursed for their reasonable out-of-pocket expenses directly related to the
21 governance of the district.

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

24 (1) To sue and be sued.

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

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

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

1 (5) To provide or enhance security patrols in the district, to provide for
2 improved lighting, signage, or matters relating to the security of the district, to
3 provide for the beautification of and improvements for the district, or to provide
4 generally for the overall betterment of the district.

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

7 (1)(a) The fee shall be imposed on each improved and unimproved parcel
8 located within the district. The owner of the parcel shall be responsible for payment
9 of the fee.

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

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

17 (b) 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.

21 (3) Not less than three years after approval of the parcel fee by a majority of
22 registered voters of the district as provided in this Subsection, the governing
23 authority of the district may increase the amount of the parcel fee one time without
24 an election. The amount of the increased fee shall be as provided in a duly adopted
25 resolution of the board, not to exceed two hundred fifty dollars per parcel per year.

26 (4) A parcel fee shall expire fifteen years after its levy but may be renewed
27 if the renewal is approved by the voters in the manner provided in Subparagraph
28 (2)(b) of this Subsection. The renewed fee shall not exceed two hundred fifty dollars

1 per parcel per year. If renewed, the term of the imposition of the fee shall be as
2 provided in the proposition authorizing such renewal, not to exceed fifteen years.

3 (5) The fee shall be collected at the same time and in the same manner as ad
4 valorem taxes are collected by the sheriff, as ex officio tax collector, of the parish of
5 East Baton Rouge. The sheriff shall collect and remit to the district all amounts
6 collected. The district may enter into an agreement with the sheriff to authorize the
7 sheriff to retain a collection fee not to exceed one percent of the amount collected.

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

11 G. Additional contributions. The district is authorized to solicit and accept
12 additional voluntary contributions and grants to further the purposes of the district.

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

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

18 I. Miscellaneous provisions. (1) It is the purpose and intent of this Section
19 that the additional law enforcement personnel and their services provided for through
20 the fees authorized in this Section shall be supplemental to and not in lieu of
21 personnel and services provided in the district by the city of Baton Rouge, parish of
22 East Baton Rouge.

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

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

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

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

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

9 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
 10 9:2792.1 through 2792.9, a person serving the district as a board member or officer
 11 shall not be individually liable for any act or omission arising out of the performance
 12 of his duties.

13 Section 2. 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.

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)]

HB 691 Original

2015 Regular Session

Smith

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

Proposed law creates the Riverbend 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 by providing for an increase of law enforcement personnel in the district and providing for beautification and improvements for overall district betterment. Provides for district boundaries. Provides that the district shall be governed by a board of commissioners composed as follows:

- (1) The president of the Riverbend Homeowners Association.
- (2) Three members appointed by the board of directors of the Riverbend Homeowners Association.

- (3) 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.
- (4) One member appointed by the member of the La. Senate whose district encompasses all or the greater portion of the area of the district.
- (5) 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.

Proposed law authorizes the governing authority of the district, subject to voter approval, to impose and collect a parcel fee on each improved and unimproved parcel within the district not to exceed \$150 per parcel per year, which amount shall be as provided in a duly adopted board resolution. Authorizes the governing authority of the district, without election, to increase the fee not to exceed \$250 per parcel per year. Authorizes renewal of the fee for a term not to exceed 15 years. Defines "parcel" as a lot, a subdivided portion of ground, or an individual tract.

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 and authorizes the district to enter into an agreement with the tax collector for 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 provides 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 shall be transmitted to the parish of East Baton Rouge and used for law enforcement purposes within the district.

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

(Adds R.S. 33:9097.25)