

Regular Session, 2014

HOUSE BILL NO. 951

BY REPRESENTATIVE FOIL

DISTRICTS/CRIME PREVENT: Creates the University Acres 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 University
3 Acres Crime Prevention and Neighborhood Improvement District within the parish;
4 to provide relative to the boundaries, purpose, governance, and powers and duties of
5 the district; to provide for the imposition of a parcel fee and for the use thereof; 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. 33:9097.22 is hereby enacted to read as follows:

12 §9097.22. University Acres Crime Prevention and Neighborhood Improvement
13 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 University Acres Crime Prevention and
17 Neighborhood Improvement District, hereafter in this Section referred to as the
18 "district". The district shall be a political subdivision of the state as defined in the
19 Constitution of Louisiana.

1 B. Boundaries. The boundaries of the district shall be coterminous with the
2 boundaries of the University Acres Subdivision in East Baton Rouge Parish as
3 established in the official subdivision plats filed with the clerk of court of East Baton
4 Rouge Parish. The district shall include all residential parcels located in the
5 designated range of addresses: 5804-6271 Boone Drive, 5710-6235 Chandler Drive,
6 575-895 Dubois Drive, 205-265 and 5824-5894 Guava Drive, 5756-6353 Highland
7 Road, 152-795 Leeward Drive, 5731-6262 Menlo Drive, 120-872 Nelson Drive, 123-
8 694 Sunset Boulevard, and 909-919 Sweets Lane.

9 C. Purpose. The purpose of the district shall be to aid in crime prevention
10 by providing security for the district residents and to serve the needs of the residents
11 of the district by promoting beautification and improvement for the overall
12 betterment of the district.

13 D. Board. (1) The district shall be governed by a seven member board of
14 commissioners, referred to in this Section as the "board". The board shall be
15 composed of the following persons:

16 (a) The president of the University Acres Civic Association, or its successor,
17 referred to in this Section as the "association".

18 (b) Three members appointed by the board of directors of the association.

19 (c) One member appointed by the member or members of the Louisiana
20 House of Representatives who represent the area which comprises the district, who
21 shall be chosen from a list of nominations submitted by the association; such
22 appointment shall be made within thirty days of receipt of the list of nominations.

23 (d) One member appointed by the member or members of the Louisiana
24 Senate who represent the area which comprises the district, who shall be chosen
25 from a list of nominations submitted by the association; such appointment shall be
26 made within thirty days of receipt of the list of nominations.

27 (e) One member appointed by the member or members of the East Rouge
28 Parish Metro Council who represent the area which comprises the district, who shall

1 be chosen from a list of nominations submitted by the association; such appointment
2 shall be made within thirty days of receipt of the list of nominations.

3 (f) If the appointing authority responsible for the appointment of a member
4 fails to fill a vacancy within thirty days, the board of directors of the association shall
5 appoint an interim successor to serve until the position is filled by the appointing
6 authority.

7 (2) All members of the board shall be registered voters within the district.

8 (3) All members of the board shall serve without compensation but shall
9 receive reimbursement for their reasonable expenses directly related to the
10 governance of the district, not to exceed two hundred dollars per year.

11 (4) The domicile of the board shall be within the district.

12 (5) The board is authorized to adopt bylaws for its governance and conduct.

13 (6) The members of the board shall select from among themselves a
14 president and such officers as they deem appropriate, whose responsibilities shall be
15 as provided by the bylaws of the board.

16 (7) The board shall hold regular meetings as provided for in its bylaws and
17 may hold special meetings at such times and places within the district as provided
18 in the bylaws.

19 (8) The board shall keep minutes of all meetings.

20 (9) A majority of the members of the board shall constitute a quorum for the
21 transaction of business. A quorum must be present at the beginning of a meeting for
22 the board to take any action. Each member shall have one vote and any action of the
23 board shall require the affirmative vote of a majority of the members present and
24 voting.

25 E. Terms. (1)(a) Members appointed pursuant to Subparagraph (D)(1)(b)
26 of this Section shall serve four-year terms.

27 (b) Members appointed pursuant to Subparagraphs (D)(1)(c), (d), and (e) of
28 this Section shall serve three-year terms but shall continue to serve until their
29 successor is appointed.

1 (2) Any board member may be removed for cause by a majority vote of the
2 board.

3 (3) Any vacancies in the membership of the board, occurring either by
4 reason of the expiration of the term for which the member was appointed or by
5 reason of death, resignation, or otherwise, shall be filled in the manner of the original
6 appointment. A member who is appointed to fill the unexpired term of a board
7 member shall serve the remaining term of the replaced board member. A board
8 member shall be eligible for reappointment unless he was removed pursuant to
9 Paragraph (2) of this Subsection.

10 F. Powers. The district, acting through its board, shall have the following
11 powers:

12 (1) To sue and be sued.

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

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

17 (4) To enforce municipal use and development rules and regulations affecting
18 or relating to the beautification and security of the district.

19 (5) To enter into contracts with individuals or entities, private or public.

20 (6) To provide for or enhance security patrols in the district, to provide for
21 improved lighting, signage, or other matters relating to the security of the district,
22 including the landscaping and maintenance of areas within the district.

23 (7) To purchase, lease, rent, or otherwise acquire items, supplies, and
24 services necessary or deemed appropriate for achieving any purpose of the district.

25 (8) To accept private grants and donations.

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

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

3 (10) To perform or have performed any function or activity the board deems
4 necessary to carry out the purposes of the district.

5 G. Parcel fee. The district, through the board, may impose and collect a
6 parcel fee within the district subject to and in accordance with the provisions of this
7 Subsection:

8 (1) The amount of the fee shall be as provided by duly adopted resolution of
9 the board. The initial parcel fee amount, for the first calendar year, shall be three
10 hundred sixty-five dollars per improved parcel per year. The fee shall not exceed five
11 hundred dollars per improved parcel per year.

12 (2)(a) The fee shall be imposed on each improved parcel located within the
13 district. The term "parcel" as used in this Subsection means a lot, a subdivided
14 portion of ground, an individual tract, or a "condominium parcel" as defined in R.S.
15 9:1121.103. The term "improved" as used in this Subsection means that a single-
16 family or multifamily dwelling or condominium has been constructed on the parcel.

17 (b) The fee shall be imposed on each unit within a multifamily dwelling. If
18 multiple adjacent parcels are combined for the purpose of housing a single-family
19 dwelling, the combined parcel shall constitute only a single improved parcel for the
20 purposes of the imposition of the fee.

21 (3) The owner of the improved parcel shall be responsible for payment of the
22 fee.

23 (4)(a) The fee shall be imposed only after the question of its imposition has
24 been approved by a majority of the registered voters of the district voting on the
25 proposition at an election held for that purpose in accordance with the Louisiana
26 Election Code. If the fee is approved, the board may increase or decrease the amount
27 of the fee on an annual basis without any additional vote, but the fee shall not exceed
28 the maximum.

1 **(b) The authority of the board to impose a fee shall expire fifteen years from**
2 **its initial levy, but the authority to impose a fee may be renewed in the same manner**
3 **as its imposition.**

4 **(5) The sheriff of East Baton Rouge Parish shall collect the fee at the same**
5 **time and in the same manner as ad valorem taxes are collected.**

6 **(6) The sheriff of East Baton Rouge Parish shall remit to the district all**
7 **amounts collected, not more than sixty days after collection. However, the board**
8 **may enter into an agreement with the sheriff to authorize the sheriff to retain a**
9 **collection fee.**

10 **(7) Any improved parcel fee which is unpaid shall be added to the tax rolls**
11 **of the parish and shall be enforced with the same authority and subject to the same**
12 **penalties and procedures as unpaid ad valorem taxes.**

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

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

17 **I. Miscellaneous provisions. (1) It is the purpose and intent of this Section**
18 **that the additional law enforcement personnel and services provided by the district**
19 **shall be supplemental to and not in lieu of personnel and services provided in the**
20 **district by the city of Baton Rouge and East Baton Rouge Parish.**

21 **(2) If the district ceases to exist:**

22 **(a) All funds of the district shall be transmitted by the board to the governing**
23 **authority of East Baton Rouge Parish within thirty days of dissolution. Such**
24 **transmitted funds together with any other funds collected by the parish of East Baton**
25 **Rouge pursuant to this Section, shall be maintained in a separate account by the city**
26 **and shall be used only to promote, encourage, and enhance the security,**
27 **beautification, and overall betterment of the area formerly comprising the district.**

28 **(b) The authority for the imposition of the improved parcel fee provided in**
29 **this Section shall cease.**

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 the foregoing provision shall not eliminate or limit
9 any 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 derived an improper personal benefit.

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

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

Foil

HB No. 951

Abstract: Creates the University Acres 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 University Acres 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) The president of the University Acres Citizens Assoc., Inc., or its successor.
- (2) Three members appointed by the board of directors of the association.
- (3) One member appointed by the member or members of the La. House of Representatives who represent the area which comprises the district.
- (4) One member appointed by the member or members of the La. Senate who represent the area which comprises the district.
- (5) One member appointed by the member or members of the East Rouge Parish Metro Council who represent the area which comprises the district.

Proposed law provides that all appointing authorities will be given a list of nominations to the board by the association. Provides that appointments to the board shall be made within 30 days of receipt of the list. Provides that if the appointing authority responsible for the appointment of a member fails to fill a vacancy within 30 days, the board of directors of the association shall appoint an interim successor to serve until the position is filled by the appointing authority.

Proposed law provides that all members shall serve without compensation and shall be registered voters within the district. Provides that a majority of the members of the board constitute a quorum for the transaction of business and that a quorum must be present at the beginning of a meeting for the board to take action. Each member shall have one vote and any action of the board shall require the affirmative vote of a majority of the members present and voting.

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 in accordance with proposed law.
- (4) To enforce municipal use and development rules and regulations affecting or relating to the beautification and security of the district.
- (5) To enter into contracts.
- (6) To provide for or enhance security patrols in the district; to provide for improved lighting, signage, or other matters relating to the security of the district.
- (7) To purchase items and supplies necessary for achieving any purpose of the district.
- (8) To accept private grants and donations.
- (9) To procure and maintain liability insurance against any personal or legal liability of a board member.
- (10) To perform or have performed any function or activity the board deems necessary to carry out the purposes of the district.

Proposed law authorizes the board, subject to voter approval, to impose and collect a parcel fee within the district. Provides that the initial parcel fee for the first calendar year shall be \$365 and shall not exceed \$500 per improved parcel per year. Defines parcel as a lot, a subdivided portion of ground, an individual tract, or a condominium improved parcel as defined in present law (R.S. 9:1121.103). Defines improved parcel as a parcel upon which a single-family or multifamily dwelling or condominium has been constructed.

Proposed law provides that the fee shall be imposed on each unit within a multifamily dwelling and if multiple adjacent parcels are combined for the purpose of housing a single-family dwelling, the combined parcel shall constitute a single improved parcel for the purposes of the imposition of the fee.

Proposed law authorizes the district to levy and collect the fee for 15 years from initial levy and authorizes renewal. 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.

Proposed law requires the sheriff to remit to the district all amounts collected not more than 60 days after collection. Authorizes the board to enter into an agreement with the sheriff to authorize the sheriff to retain a collection fee.

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 the city of Baton Rouge and East Baton Rouge Parish.

Proposed law, if the district ceases to exist, requires transmittal of all district funds to the parish. Requires that such funds together with any other funds collected by the parish of East Baton Rouge pursuant to proposed law be maintained in a separate account by the parish. Requires that such funds be used only to promote, encourage, and enhance the security, beautification, and overall betterment of the area included in the former district.

Proposed law provides that no board member or officer of the district shall be liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for the monetary damages for breach of his duties as a board member or officer unless the board member performs an act or omission not in good faith or which involves intentional misconduct or a knowing violation of law, or any transaction from which he or she derives an improper personal benefit.

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. Deletes provision that authorized the sheriff of East Baton Rouge to retain a collection fee of not more than 1% of the fees collected.
2. Adds provision that authorizes the board to enter into an agreement with the sheriff to authorize the sheriff to retain a collection fee.