

2019 Regular Session

HOUSE BILL NO. 323

BY REPRESENTATIVE JAMES

DISTRICTS/CRIME PREVENT: Creates a crime prevention district in the Monticello neighborhood in East Baton Rouge Parish

1 AN ACT

2 To enact R.S. 33:9097.30, relative to East Baton Rouge Parish; to create a crime prevention
3 and improvement district; to provide for the governance of the district; to provide for
4 the duties and powers of the district; to provide for the levy of a parcel fee within the
5 district; and to provide for related matters.

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

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:9097.30 is hereby enacted to read as follows:

11 §9097.30. Monticello Crime Prevention and Improvement District

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

17 B. Boundaries. The district shall include the area within the following
18 boundaries: Commencing at the northwest corner of Monticello, 1st filing, being
19 located on the south right-of-way (ROW) line of Engineer Depot Canal; Thence
20 southerly along the west boundary of Monticello 1st filing, being a line generally

1 located 240' west of the west ROW line of Scarborough Drive; Thence continuing
2 along the extension of said line along the west boundary of Monticello, 6th and 7th
3 filings to the southwest corner of Monticello, 7th filing Part 2; Thence easterly and
4 southerly along the south line of Monticello, 7th filing Part 2, being the south
5 boundary of Tract Z-1, the south ROW line of West England Avenue, the west and
6 south boundaries of Lot 677, the south boundaries of lot 676 and 675, and the west
7 boundary of lot 673; Thence southerly, easterly, and northerly along the boundary
8 of Monticello, 7th filing Part 1, being a line generally located 150' west of the west
9 ROW of Sterling Drive, a line generally located 140' south of the south ROW of
10 Mendenhal Drive, and a line generally located 140' east of the east ROW line of East
11 Mendenhal Drive; Thence easterly and southerly along the south line of Monticello,
12 5th filing, being a line generally located 90' to 95' south of the south ROW line of
13 England Avenue and a portion of the west ROW line of Newbury Drive; Thence
14 southerly and easterly along the boundary of Monticello, 9th filing, being a line
15 along the west ROW line of Newbury Drive, a line along the south ROW line of
16 Ireland Avenue, the west line of lot 809, and a line generally located 140' to 145'
17 south of the south ROW line of Ireland Avenue, to a point and corner; Thence
18 N1°11'28E a distance of 1320.96' along the east boundary of Monticello, 9th filing,
19 to a point and corner; Thence westerly along the boundary of Monticello, 9th filing,
20 being a line generally located 145' north of the north ROW line of Britain Avenue,
21 to a point and corner; Thence northerly and northwesterly along the east boundary
22 of Monticello, 9th filing, described as follows: N1°1'1W a distance of 203.47' along
23 the east ROW line of Norwich Drive; N33W a distance of 39.82' along the east
24 ROW line of Norwich Drive; N57°E a distance of 120'; N33°W a distance of 100';
25 N12°E a distance of 141.42'; N33°W a distance of 135'; N89°58'34"W a distance
26 of 119.27'; and a line generally located 140' east of the east ROW line of Norwich
27 Drive, to a point and corner; Thence northeasterly along the south boundary of
28 Monticello, 3rd filing, being the south boundary of Lot 452 and a 50' extension
29 across the ROW of Thames Drive, and the south and east boundaries of lot 450, to

1 a point and corner; Thence northeasterly and northerly along the south and east
2 boundaries of Monticello, 8th filing, being the south boundaries of lots 714 through
3 711, the east boundary of Lot 711 and a 50' extension across the ROW of Catalina
4 Avenue, the north ROW line of Catalina Avenue, the east and a portion of the north
5 boundary of lot 710, the east boundary of lot 709 and a 50' extension across the
6 ROW of South Melbourne Avenue, a portion of the south boundary of lot 708, a line
7 generally located 140' east of the east ROW line of Union Drive, a portion of the
8 north boundary of Lot 696, the east boundary of lot 737 and a 50' extension across
9 the ROW of Langer Avenue, to a point and corner; Thence westerly along the south
10 ROW line of the Engineer Depot Canal, being the north boundaries of Monticello,
11 8th filing, 3rd filing, and 2nd filing Part 1, to a point at the northwest corner of Lot
12 34, Monticello; Thence northerly, westerly, and southerly along the boundaries of
13 Monticello, 4th filing, being the east boundary of Lot Z-7 and its southern extension,
14 the south ROW line of Canterbury Drive, and the west boundary of Lot Z-2 and its
15 southern extension to the south boundary of the Engineer Depot Canal; Thence
16 southwesterly along the south ROW line of the Engineer Depot Canal, being the
17 north boundary of Monticello, 1st filing, to the point of commencement.

18 C. Purpose. The district is established for the primary object and purpose of
19 promoting and encouraging the beatification, security, and overall betterment of the
20 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 president of the Monticello Citizens Association.

25 (b) The board of directors of the Monticello Citizens Association shall
26 appoint two members.

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

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

3 (e) The member of the East Baton Rouge Parish Metro Council whose
4 district encompasses all or the greater portion of the area of the district shall appoint
5 one member.

6 (f) The mayor-president of East Baton Rouge shall appoint one member.

7 (2) All members of the board shall be residents and qualified voters within
8 the district.

9 (3)(a) Members appointed pursuant to Subparagraphs (1)(b) through (f) of
10 this Subsection shall serve three-year terms after initial terms as provided in
11 Subparagraph (b) of this Paragraph.

12 (b) Two members shall serve an initial term of one year; two shall serve two
13 years; and two shall serve three years as determined by lot at the first meeting of the
14 board.

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

17 (4) Any board member may be removed for cause by a majority vote of the
18 board.

19 (5) Vacancies shall be filled in the manner of the original appointment. A
20 member shall be eligible for reappointment unless he was removed pursuant to
21 Paragraph (4) of this Subsection.

22 (6) All members of the board shall serve without compensation and shall not
23 receive reimbursement for expenses.

24 (7) The domicile of the board shall be within the district.

25 (8) The board is authorized to adopt bylaws for its governance and conduct.

26 (9) The members of the board shall select from among themselves a
27 president and such other officers as they deem appropriate whose responsibilities
28 shall be as provided by the bylaws of the board.

1 (10) The board shall hold regular meetings as provided for in its bylaws and
2 may hold special meetings at such times and places within the district as provided
3 in the bylaws.

4 (11) The board shall keep minutes of all meetings.

5 (12) A majority of the board shall constitute a quorum for conducting
6 business of the district.

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

9 (1) To sue and be sued.

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

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

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

15 (5) To purchase items and supplies necessary for achieving any purpose of
16 the district.

17 (6) To accept private grants and donations.

18 (7) To procure and maintain liability insurance against any personal or legal
19 liability of a board member that may be asserted or incurred based upon his service
20 as a member of the board or that may arise as a result of his actions taken within the
21 scope and discharge of his duties as a member of the board.

22 (8) To perform or have performed any function or activity the board deems
23 necessary to carry out the purposes of the district.

24 F. Parcel fee. The governing authority of East Baton Rouge Parish may
25 impose and collect a parcel fee within the district subject to and in accordance with
26 the provisions of this Subsection.

27 (1) The amount of the fee shall be as determined by duly adopted resolution
28 of the board. The fee, however, shall not exceed one hundred dollars per parcel per
29 year.

1 (2) The fee shall be imposed on each parcel located within the district. The
2 term "parcel" as used in this Subsection shall mean a lot, a subdivided portion of
3 ground, an individual tract, or a "condominium parcel" as defined in R.S.
4 9:1121.103.

5 (3) The owner of the parcel shall be responsible for payment of the fee.

6 (4)(a) The fee shall be imposed only after the question of its imposition has
7 been approved by a majority of the registered voters of the district voting on the
8 proposition at an election held for that purpose in accordance with the Louisiana
9 Election Code.

10 (b) The fee shall expire ten years after its initial levy but may be renewed if
11 approved by a majority of the registered voters of the district voting on the
12 proposition at an election as provided in Subparagraph (a) of this Paragraph. Any
13 election to authorize the renewal of the fee shall be held only at the same time as a
14 regularly scheduled election in the parish of East Baton Rouge. If the fee is renewed,
15 the term of the imposition of the fee shall be as provided in the proposition
16 authorizing such renewal, not to exceed ten years.

17 (5)(a) The sheriff of the parish of East Baton Rouge shall collect the fee at
18 the same time and in the same manner as ad valorem taxes are collected.

19 (b) The sheriff of the parish of East Baton Rouge shall remit to the district
20 all amounts collected not more than sixty days after collection; however, the board
21 may enter into an agreement with the sheriff to authorize the sheriff to retain a
22 collection fee.

23 (6) Any parcel fee shall be added to the tax rolls of the parish and shall be
24 enforced with the same authority and subject to the same penalties and procedures
25 as ad valorem taxes.

26 G. Budget. (1) The board of commissioners shall adopt an annual budget
27 in accordance with the Local Government Budget Act, R.S. 39:1301 et seq.

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

1 H. Miscellaneous provisions. (1) It is the purpose and intent of this Section
 2 that the additional law enforcement personnel and services provided by the district
 3 shall be supplemental to and not in lieu of personnel and services provided in the
 4 district by the city of Baton Rouge and East Baton Rouge Parish.

5 (2) If the district ceases to exist:

6 (a) All funds of the district shall be transmitted to the parish of East Baton
 7 Rouge and shall be used for law enforcement purposes in the area included within
 8 the district.

9 (b) The authority for the imposition of the parcel fee provided in this Section
 10 shall cease.

11 Section 2. This Act shall become effective upon signature by the governor or, if not
 12 signed by the governor, upon expiration of the time for bills to become law without signature
 13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 15 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 323 Original

2019 Regular Session

James

Abstract: Creates the Monticello Crime Prevention and 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 Monticello Crime Prevention and Improvement District in East Baton Rouge Parish for the purpose of promoting and encouraging the beautification, security, and betterment of the district. Provides for district boundaries.

Proposed law provides that the district shall be governed by a seven-member board of commissioners, all of whom shall be residents and qualified voters of the district, composed as follows:

- (1) The president of the Monticello Citizens Assoc. (association).
- (2) Two members appointed by the board of directors of the 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 member of the East Baton Rouge Parish Metro Council whose district encompasses all or the greater portion of the area of the district.
- (6) One member appointed by the mayor-president of East Baton Rouge.

Proposed law provides that members serve without compensation and without reimbursement of expenses.

Proposed law provides relative to the powers and duties of the district.

Proposed law authorizes the governing authority of the city of Baton Rouge, parish of East Baton Rouge, subject to voter approval, to impose and collect a parcel fee within the district. Provides that the amount of the fee shall not be more than \$100 per parcel per year. Requires that the fee be imposed on each parcel located within the district.

Proposed law defines "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 expire 10 years after its initial levy but authorizes renewal of that fee. Provides that the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed 10 years. Further provides that the fee shall be collected at the same time and in the same manner 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 sheriff to remit amounts collected to the district not later than 60 days after collection, but authorizes the board to enter into a contract with the sheriff authorizing the sheriff to retain a collection fee.

Proposed law provides that the district shall adopt an annual budget in accordance with present law (R.S. 39:1301 et seq.) and shall be subject to audit by the legislative auditor's office.

Proposed law provides that the intent of proposed law is to enhance the law enforcement personnel and services provided by the city and not to be in lieu of such services. Further provides that if the district ceases to exist, all of its funds shall be transmitted to the governing authority of the parish of East Baton Rouge and shall be used for law enforcement purposes in the area formerly comprising the district. Further provides that upon dissolution of the district, the authority to levy the parcel fee provided for in proposed law shall cease.

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

(Adds R.S. 33:9097.30)