

2019 Regular Session

HOUSE BILL NO. 323

BY REPRESENTATIVE JAMES AND SENATOR BARROW

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.

12 Monticello 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 Monticello Crime Prevention and  
16 Improvement District, referred to in this Section as the "district". The district shall  
17 be a political subdivision of the state as defined in the Constitution of Louisiana.

18 B. Boundaries. The district shall include the area within the following  
19 boundaries: Commencing at the northwest corner of Monticello, 1st filing, being  
20 located on the south right-of-way (ROW) line of Engineer Depot Canal; Thence  
21 southerly along the west boundary of Monticello 1st filing, being a line generally  
22 located 240' west of the west ROW line of Scarborough Drive; Thence continuing  
23 along the extension of said line along the west boundary of Monticello, 6th and 7th  
24 filings to the southwest corner of Monticello, 7th filing Part 2; Thence easterly and

1           southerly along the south line of Monticello, 7th filing Part 2, being the south  
2           boundary of Tract Z-1, the south ROW line of West England Avenue, the west and  
3           south boundaries of Lot 677, the south boundaries of lot 676 and 675, and the west  
4           boundary of lot 673; Thence southerly, easterly, and northerly along the boundary  
5           of Monticello, 7th filing Part 1, being a line generally located 150' west of the west  
6           ROW of Sterling Drive, a line generally located 140' south of the south ROW of  
7           Mendenhal Drive, and a line generally located 140' east of the east ROW line of East  
8           Mendenhal Drive; Thence easterly and southerly along the south line of Monticello,  
9           5th filing, being a line generally located 90' to 95' south of the south ROW line of  
10           England Avenue and a portion of the west ROW line of Newbury Drive; Thence  
11           southerly and easterly along the boundary of Monticello, 9th filing, being a line  
12           along the west ROW line of Newbury Drive, a line along the south ROW line of  
13           Ireland Avenue, the west line of lot 809, and a line generally located 140' to 145'  
14           south of the south ROW line of Ireland Avenue, to a point and corner; Thence  
15           N1°11'28E a distance of 1320.96' along the east boundary of Monticello, 9th filing,  
16           to a point and corner; Thence westerly along the boundary of Monticello, 9th filing,  
17           being a line generally located 145' north of the north ROW line of Britain Avenue,  
18           to a point and corner; Thence northerly and northwesterly along the east boundary  
19           of Monticello, 9th filing, described as follows: N1°1'1W a distance of 203.47' along  
20           the east ROW line of Norwich Drive; N33W a distance of 39.82' along the east  
21           ROW line of Norwich Drive; N57°E a distance of 120'; N33°W a distance of 100';  
22           N12°E a distance of 141.42'; N33°W a distance of 135'; N89°58'34"W a distance  
23           of 119.27'; and a line generally located 140' east of the east ROW line of Norwich  
24           Drive, to a point and corner; Thence northeasterly along the south boundary of  
25           Monticello, 3rd filing, being the south boundary of Lot 452 and a 50' extension  
26           across the ROW of Thames Drive, and the south and east boundaries of lot 450, to  
27           a point and corner; Thence northeasterly and northerly along the south and east  
28           boundaries of Monticello, 8th filing, being the south boundaries of lots 714 through  
29           711, the east boundary of Lot 711 and a 50' extension across the ROW of Catalina  
30           Avenue, the north ROW line of Catalina Avenue, the east and a portion of the north

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

14 C. Purpose. The district is established for the primary object and purpose of  
 15 promoting and encouraging the beautification, security, and overall betterment of the  
 16 district.

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

20 (a) The president of the Monticello Citizens Association.

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

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

28 (e) The member of the East Baton Rouge Parish Metropolitan Council whose  
 29 district encompasses all or the greater portion of the area of the district shall appoint  
 30 one member.

1                   (f) The mayor-president of the city of Baton Rouge and East Baton Rouge  
2                   Parish shall appoint one member.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3           (1) To sue and be sued.

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

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

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

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

11          (6) To accept private grants and donations.

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

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

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

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

24          (2) The fee shall be imposed on each parcel located within the district. The  
25          term "parcel" as used in this Subsection shall mean a lot, a subdivided portion of  
26          ground, an individual tract, or a "condominium parcel" as defined in R.S.  
27          9:1121.103.

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

29          (4)(a) The fee shall be imposed only after the question of its imposition has  
30          been approved by a majority of the registered voters of the district voting on the

1 proposition at an election held for that purpose in accordance with the Louisiana  
2 Election Code.

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

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

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

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

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

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

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

27 (2) If the district ceases to exist:

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

1                   **(b) The authority for the imposition of the parcel fee provided in this Section**  
2                   **shall cease.**

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_