

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 Baton  
28                Rouge Parish Metro Council who represent the area which comprises the district,

1 who shall be chosen from a list of nominations submitted by the association; such  
2 appointment 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 a duly adopted resolution  
9 of 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. If so provided in the bylaws, the  
12 board may waive or reduce the parcel fee on a case-by-case basis based on  
13 demonstrated inability of the parcel owner to pay because of infirmity, age, or  
14 otherwise in accordance with the bylaws.

15 (2)(a) The fee shall be imposed on each improved parcel located within the  
16 district. The term "parcel" as used in this Subsection means a lot, a subdivided  
17 portion of ground, an individual tract, or a "condominium parcel" as defined in R.S.  
18 9:1121.103. The term "improved" as used in this Subsection means that a single-  
19 family or multifamily dwelling or condominium has been constructed on the parcel.

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

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

26 (4)(a) The fee shall be imposed only after the question of its imposition has  
27 been approved by a majority of the registered voters of the district voting on the  
28 proposition at an election held for that purpose in accordance with the Louisiana  
29 Election Code. If the fee is approved, the board may increase or decrease the amount

1 of the fee on an annual basis without any additional vote, but the fee shall not exceed  
2 the maximum parcel fee as provided in this Subsection.

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

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

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

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

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

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

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

23 (2) If the district ceases to exist:

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

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

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

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

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

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#### 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)]

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HB No. 951

**Abstract:** Creates the University Acres Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish. 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 promoting the beautification and 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 Civic Assoc., Inc., (association) or its successor.
- (2) Three members appointed by the board of directors of the association.
- (3) One member appointed by the member(s) of the La. House of Representatives who represent the area which comprises the district.
- (4) One member appointed by the member(s) of the La. Senate who represent the area which comprises the district.
- (5) One member appointed by the member(s) of the East Baton Rouge Parish Metro Council who represent the area which comprises the district.

Proposed law provides that all appointing authorities, other than the board of directors of the association, will be given a list of nominations from the association. Requires the appointing authorities to make appointments within 30 days of receipt of the list. Requires the board of directors of the association to appoint an interim member if an appointing authority fails to fill a vacancy within 30 days. The interim member will serve until the position is filled by the appointing authority.

Proposed law requires all board members to be registered voters of the district and requires them to serve without compensation. Requires that members receive reimbursement for reasonable expenses directly related to the governance of the district, not to exceed \$200 per year.

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. Authorizes the board to provide in the district's bylaws for the waiver or reduction of the parcel fee on a case-by-case basis based on a demonstrated inability of the parcel owner to pay the fee. 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. Requires the sheriff of East Baton Rouge Parish to collect the fee in the same manner and at the same time as ad valorem taxes and requires that any unpaid fee 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 requires, if the district ceases to exist, the 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 city. 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.

House Floor Amendments to the engrossed bill.

1. Adds a provision that authorizes the board to provide for the waiver or reduction of the parcel fee on a case-by-case basis based on a demonstrated inability of the parcel owner to pay the fee.