

ACT No. 829

Regular Session, 2014

HOUSE BILL NO. 951

BY REPRESENTATIVE FOIL

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AN ACT

To enact R.S. 33:9097.22, relative to East Baton Rouge Parish; to create the University Acres Crime Prevention and Neighborhood Improvement District within the parish; to provide relative to the boundaries, purpose, governance, and powers and duties of the district; to provide for the imposition of a parcel fee and for the use thereof; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9097.22 is hereby enacted to read as follows:

§9097.22. University Acres Crime Prevention and Neighborhood Improvement District

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

B. Boundaries. The boundaries of the district shall be coterminous with the boundaries of the University Acres Subdivision in East Baton Rouge Parish as established in the official subdivision plats filed with the clerk of court of East Baton Rouge Parish. The district shall include all residential parcels located in the designated range of addresses: 5804-6271 Boone Drive, 5710-6235 Chandler Drive,

1 575-895 Dubois Drive, 205-265 and 5824-5894 Guava Drive, 5756-6353 Highland
 2 Road, 152-795 Leeward Drive, 5731-6262 Menlo Drive, 120-872 Nelson Drive, 123-
 3 694 Sunset Boulevard, and 909-919 Sweets Lane.

4 C. Purpose. The purpose of the district shall be to aid in crime prevention
 5 by providing security for the district residents and to serve the needs of the residents
 6 of the district by promoting beautification and improvement for the overall
 7 betterment of the district.

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

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

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

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

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

22 (e) One member appointed by the member or members of the East Baton
 23 Rouge Parish Metro Council who represent the area which comprises the district,
 24 who shall be chosen from a list of nominations submitted by the association; such
 25 appointment shall be made within thirty days of receipt of the list of nominations.

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

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

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

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

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

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

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

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

13 (9) A majority of the members of the board shall constitute a quorum for the
14 transaction of business. A quorum must be present at the beginning of a meeting for
15 the board to take any action. Each member shall have one vote and any action of the
16 board shall require the affirmative vote of a majority of the members present and
17 voting.

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

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

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

25 (3) Any vacancies in the membership of the board, occurring either by
26 reason of the expiration of the term for which the member was appointed or by
27 reason of death, resignation, or otherwise, shall be filled in the manner of the original
28 appointment. A member who is appointed to fill the unexpired term of a board
29 member shall serve the remaining term of the replaced board member. A board

1 member shall be eligible for reappointment unless he was removed pursuant to
2 Paragraph (2) of this Subsection.

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

5 (1) To sue and be sued.

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

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

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

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

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

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

18 (8) To accept private grants and donations.

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

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

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

29 (1) The amount of the fee shall be as provided by a duly adopted resolution
30 of the board. The initial parcel fee amount, for the first calendar year, shall be three

1 hundred sixty-five dollars per improved parcel per year. The fee shall not exceed five
2 hundred dollars per improved parcel per year.

3 (2)(a) The fee shall be imposed on each improved parcel located within the
4 district. The term "parcel" as used in this Subsection means a lot, a subdivided
5 portion of ground, an individual tract, or a "condominium parcel" as defined in R.S.
6 9:1121.103. The term "improved" as used in this Subsection means that a single-
7 family or multifamily dwelling or condominium has been constructed on the parcel.

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

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

14 (4)(a) The fee shall be imposed only after the question of its imposition has
15 been approved by a majority of the registered voters of the district voting on the
16 proposition at an election held for that purpose in accordance with the Louisiana
17 Election Code. If the fee is approved, the board may increase or decrease the amount
18 of the fee on an annual basis without any additional vote, but the fee shall not exceed
19 the maximum parcel fee as provided in this Subsection.

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

23 (5) No fee shall be imposed upon any parcel if the owner receives the special
24 assessment level provided by Article VII, Section 18(G)(1) of the Constitution of
25 Louisiana.

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

28 (7) The sheriff of East Baton Rouge Parish shall remit to the district all
29 amounts collected, not more than sixty days after collection. However, the board

1 may enter into an agreement with the sheriff to authorize the sheriff to retain a
 2 collection fee.

3 (8) Any improved parcel fee which is unpaid shall be added to the tax rolls
 4 of the parish and shall be enforced with the same authority and subject to the same
 5 penalties and procedures as unpaid ad valorem taxes.

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

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

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

14 (2) If the district ceases to exist, both of the following shall apply:

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

21 (b) The authority for the imposition of the improved parcel fee provided in
 22 this Section shall cease.

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

27 (2) No board member or officer of the district shall be liable to the district
 28 or to any individual who resides, owns property, visits, or otherwise conducts
 29 business in the district for monetary damages for breach of his duties as a board

1 member or officer, provided that the foregoing provision shall not eliminate or limit
2 any liability of a board member or officer for any of the following:

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____