

ACT No. 408

Regular Session, 2014

HOUSE BILL NO. 289

BY REPRESENTATIVE PONTI

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AN ACT

To enact R.S. 33:9097.22, relative to East Baton Rouge Parish; to create the Tara Subdivision 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 relative to the funding, including the authority to impose a parcel fee, subject to voter approval, within the district; to provide with respect to termination of the district; 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. Tara Subdivision 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 Tara Subdivision Crime Prevention and Neighborhood Improvement District, referred to in this Section as the "district". The district shall be a political subdivision of the state as defined in the Constitution of Louisiana.

B. Boundaries. The district shall include all property shown on the final subdivision plats for Tara Subdivision filings First, Second, Third, Fourth, and Fifth filed with the East Baton Rouge Parish Clerk of Court including lots 1 through 629 as more particularly described as follows: beginning at the intersection of Tara

1 Boulevard and Old Hammond Highway, at the southeast corner of Lot 610, proceed
2 west along Old Hammond Highway to its intersection with the western property line
3 of Lot 518, then north to the northernmost point of Lot 616, then east to the northeast
4 corner of Lot 629, then diagonally across Tara Boulevard to the northwest corner of
5 Lot 1, then east to the North Branch Ward Creek then southeast and south along the
6 North Branch Ward Creek to the southern boundary of Lot 375, then west along
7 Whitehall Avenue to its intersection with Oakley Drive, then south-southeast along
8 Oakley Drive to its intersection with the southeastern boundary of Lot 282, then
9 along the southeastern boundary of Lot 282 to its intersection with Normandy Lateral
10 North Branch Ward Creek, then west-northwest along the Normandy Lateral North
11 Branch Ward Creek to its intersection with Tara Boulevard, then south to the point
12 of beginning.

13 C. Purpose. The purpose of the district shall be to aid in crime prevention,
14 to enhance security within the district, to provide for an increase in security patrols
15 in the district, and to provide for the overall betterment of the district.

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

19 (a) The board of directors of the Tara Civic Association, Inc., shall appoint
20 four members.

21 (b) The member of the Louisiana House of Representatives whose district
22 encompasses all or the greater portion of the area of the district shall appoint one
23 member.

24 (c) The member of the Louisiana Senate whose district encompasses all or
25 the greater portion of the area of the district shall appoint one member.

26 (d) The assessor for the parish of East Baton Rouge shall appoint one
27 member.

28 (2) All members of the board shall own property and reside within the
29 district and shall be qualified voters of the district.

1 (3)(a) Members shall serve four-year terms after the initial terms as provided
2 in this Subparagraph. Two members shall serve an initial term of one year; two shall
3 serve two years; two shall serve three years, and one shall serve four years, as
4 determined by lot at the first meeting of the board.

5 (b) Members shall be eligible for reappointment.

6 (4) Any vacancy in the membership of the board shall be filled in the manner
7 of the original appointment. If the appointing authority responsible for the
8 appointment of a member fails to fill a vacancy within thirty days, the remaining
9 members of the board may appoint an interim successor to serve until the position
10 is filled by the appointing authority.

11 (5) The board shall elect from its members a chairman, a vice chairman, a
12 secretary, a treasurer, and such other officers as it deems necessary. The duties of
13 the officers shall be fixed by the bylaws adopted by the board.

14 (6) The members of the board shall serve without compensation but shall be
15 reimbursed for reasonable out-of-pocket expenses directly related to the governance
16 of the district, not to exceed one hundred dollars per year.

17 (7) The board shall keep minutes of all meetings and shall make them
18 available through the secretary of the board. The minute books and archives of the
19 district shall be maintained by the secretary of the board. The monies, funds, and
20 accounts of the district shall be in the official custody of the board.

21 (8) The board shall adopt such rules and regulations as it deems necessary
22 or advisable for conducting its business affairs. Rules and regulations of the board
23 relative to the notice and conduct of meetings shall conform to applicable provisions
24 of the Open Meetings Law. The board shall hold regular meetings as shall be
25 provided for in the bylaws and may hold special meetings at such times and places
26 within East Baton Rouge Parish as may be prescribed in the bylaws.

27 (9) A majority of the membership of the board shall constitute a quorum for
28 the transaction of business, and all official action of the board shall require the
29 favorable vote of a majority of those members present and voting. All members of
30 the board shall be voting members.

1 (10) The domicile of the board shall be in East Baton Rouge Parish.

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

4 (1) To sue and be sued.

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

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

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

10 (5) To provide or enhance security patrols in the district, to provide for
11 improved lighting, signage, or matters relating to the security of the district, to
12 provide for the beautification of and improvement to the district, and to provide
13 generally for the overall betterment of the district.

14 (6) To enter into contracts and agreements with one or more other districts
15 for the joint security, improvement, or betterment of all participating districts.

16 (7) To provide for such services and make such expenditures as the board
17 deems proper to carry out the purposes of the district.

18 (8) To acquire or lease items and supplies which the board deems proper to
19 carry out the purposes of the district.

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

24 (10) To perform or have performed any other function or activity necessary
25 or appropriate to carry out the purposes of the district or for the overall betterment
26 of the district.

27 F. Parcel fee. The governing authority of the district may impose and collect
28 a parcel fee within the district subject to and in accordance with the provisions of this
29 Subsection.

1 (1)(a) The fee shall be imposed on each improved and unimproved parcel
 2 located within the district.

3 (b) For the purposes of this Section, a parcel shall be defined as a lot, a
 4 subdivided portion of ground, or an individual tract within filings First through Fifth
 5 of Tara Subdivision, and which is listed on the tax rolls for assessment of property
 6 taxes. The owner of the parcel shall be responsible for payment of the fee.

7 (2)(a) The amount of the fee shall be as provided in a duly adopted
 8 resolution of the board. The fee shall be a flat fee per parcel not to exceed two
 9 hundred dollars per year for each parcel; however, the initial fee for the first calendar
 10 year shall not exceed one hundred dollars per parcel.

11 (b) The board may increase the fee one time during each subsequent calendar
 12 year not to exceed ten percent of the amount of the fee imposed during the previous
 13 calendar year; however, the amount of the fee shall not exceed the maximum amount
 14 authorized in Subparagraph (a) of this Paragraph.

15 (c) No fee may be imposed or increased pursuant to the provisions of this
 16 Subsection unless the question of its imposition and the board's authority to increase
 17 the fee has been approved by a majority of the registered voters of the district who
 18 vote on the proposition at an election held for that purpose in accordance with the
 19 Louisiana Election Code.

20 (d) If approved, the fee and the board's authority to increase the fee shall
 21 expire in ten years, but the fee and board's authority to increase the fee may be
 22 renewed if approved by a majority of the registered voters of the district voting on
 23 the proposition at an election as provided in Subparagraph (c) of this Paragraph. If
 24 the fee and board's authority to increase the fee is renewed, the term of the
 25 imposition of the fee shall be as provided in the proposition authorizing such
 26 renewal, not to exceed ten years.

27 (3) The fee shall be collected at the same time and in the same manner as ad
 28 valorem taxes are collected for East Baton Rouge Parish. The tax collector shall
 29 collect and remit to the district all amounts collected not more than sixty days after
 30 collection; however, the district may enter into an agreement with the tax collector

1 to authorize retention of an annual collection fee, not to exceed one percent of the
2 amount collected.

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

6 G. Additional contributions. The district is authorized to solicit, accept, and
7 expend additional voluntary contributions and grants to carry out the purposes of the
8 district.

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

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

13 I. Miscellaneous provisions. (1) It is the purpose and intent of this Section
14 that any additional law enforcement personnel and services provided for through the
15 fees authorized in this Section shall be supplemental to, and not in lieu of, personnel
16 and services to be provided in the district by publicly funded law enforcement
17 agencies.

18 (2) If the district ceases to exist, any funds, equipment, and property of the
19 district shall be transmitted to the governing authority of the parish of East Baton
20 Rouge and shall be used only within the district for the purposes set forth in this
21 Section.

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

26 (2) No board member or officer of the district shall be liable to the district
27 or to any individual who resides, owns property, visits, or otherwise conducts
28 business in the district for monetary damages, for breach of his duties as a board
29 member or officer, provided that this provision shall not eliminate or limit the
30 liability of a board member or officer for any of the following:

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

3 (b) Any transaction from which he or she derived an improper personal
4 benefit.

5 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
6 9:2792.1 through 2792.9, a person serving the district as a board member or officer
7 shall not be individually liable for any act or omission arising out of the performance
8 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: _____