

Regular Session, 2010

HOUSE BILL NO.

BY REPRESENTATIVE CARTER

DISTRICTS/CRIME PREVENT: Creates the Westminster Pine Park Crime Prevention and Neighborhood Improvement District

AN ACT

To enact R.S. 33:9097.8, relative to East Baton Rouge Parish; to create a crime prevention and improvement district for the Westminster and Pine Park subdivisions; to provide the purpose and boundaries of the district; to provide for the governance of the district; to provide for the duties and powers of the district; to provide for the levy of a parcel fee within the district; to provide for indemnity and exculpation of board members; 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. 33:9097.8 is hereby enacted to read as follows:

§9097.8. Westminster Pine Park 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 Westminster Pine Park Crime Prevention and Neighborhood Improvement District, referred to in this Section as the "district".

B. Boundaries. The district shall be comprised of the area of the parish of East Baton Rouge, lying within the following perimeter: starting on the northwest corner of the edge of Lot 1 of Westminster Subdivision and proceeding in an easterly direction along the southern side of Jefferson Highway to the northeast corner of Lot 9 of Pine Park Subdivision then proceeding south along the eastside of Pine Park Drive to the southeast corner turning west at Lot 41 of Pine Park Subdivision continuing on the southern side of Norfolk Drive and proceeding west to Lot 423 of Westminster Subdivision then proceeding north on the west side of Drusilla Lane thus continuing to the northwest corner of the Westminster subdivision to Lot 1 thus defining a district enclosing and consisting of 610 lots within the Westminster and Pine Park Subdivisions which shall be considered part of the Westminster Pine Park Crime Prevention and Neighborhood Improvement District.

C. Purposes. The purposes of the district shall be to aid in crime prevention by increased law enforcement and security patrols within the district and to provide for the maintenance and improvement of areas within the district.

D. Governance. (1) The district shall be governed by a board of commissioners consisting of members appointed as follows:

(a) Two members appointed by the Westminster Pine Park Civic Association.

(b) One member appointed by the Metro Council member representing the area which comprises the district.

(c) One member appointed by the mayor-president of Baton Rouge.

(d) One member appointed by the member or members of the Louisiana House of Representatives who represent the area which comprises the district.

(2) All members of the board shall reside within the district and be registered voters in the district.

(3) The terms of the members shall be as follows:

(a) The members appointed pursuant to Subparagraph (1)(a) of this Subsection shall serve for two years.

(b) The members appointed pursuant to Subparagraphs (1)(b), (c), and (d) of this Subsection shall serve for three years.

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

(5) The members of the board shall serve without compensation or reimbursement of expenses.

E. Powers and duties. The district, acting through its board of commissioners, shall have 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 collected pursuant to Subsection F of this Section and in accordance with a budget adopted as provided in Subsection G of this Section.

(4) To enter into contracts with public or private individuals or entities for the provision of security patrols or other programs in the district.

(5) To purchase items and supplies which the board deems instrumental to achieving any purpose of the district.

(6) To perform or have performed any other function or activity the board deems necessary for achieving any purpose of the district.

F. Parcel fee. The governing authority of East Baton Rouge Parish is hereby authorized to impose and collect a parcel fee within the district subject to and in accordance with the provisions of this Subsection:

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

(b) For the purposes of this Section, a parcel shall be defined as a lot, a subdivided portion of ground, or an individual tract on which a residential or commercial structure is situated.

(2) The amount of the fee shall be as requested by duly adopted resolution of the governing authority of the district; however, the fee shall not exceed one hundred dollars per parcel per year.

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

(4)(a) The fee shall be imposed only after the question of its imposition has been approved by a majority of the registered voters of the district voting on the proposition at a regularly scheduled election held in accordance with the Louisiana Election Code.

(b) The fee shall expire ten years from its initial levy but may be renewed as provided in Subparagraph (a) of this Paragraph. If renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed ten years.

(5) The fee shall be collected at the same time and in the same manner as ad valorem taxes are collected by the sheriff, as ex officio tax collector, of East Baton Rouge Parish. The sheriff shall collect and remit to the district all amounts collected not more than sixty days after collection. He shall retain the same commission as he receives for the collection of ad valorem taxes.

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

G. Budget. (1) The board of commissioners shall adopt an annual budget in accordance with the Louisiana Local Government Budget Act, R.S. 39:1301 et seq. The budget and all amendments shall be submitted to the East Baton Rouge Metropolitan Council.

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

H. Miscellaneous provisions. (1) It is the purpose and intent of this Section that the additional law enforcement and security personnel and their services provided for through the fees authorized herein shall be supplemental to and not in lieu of personnel and services provided in the district by the East Baton Rouge Parish Sheriff's Office or the Baton Rouge City Police.

(2) If the district ceases to exist, any funds of the district shall be transmitted to the governing authority of East Baton Rouge Parish and shall be used for law enforcement purposes in the area which comprised the district.

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

(2) 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 monetary damages for breach of his duties as a board member or officer, provided that the foregoing provision shall not eliminate or limit the liability of a board member or officer for any of the following:

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

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

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