

Regular Session, 2011

# ACT No. 254

HOUSE BILL NO. 159

BY REPRESENTATIVE ROSALIND JONES AND SENATOR THOMPSON

1 AN ACT

2 To enact R.S. 33:9038.65, relative to the city of Monroe; to create the Ouachita Riverfront  
3 Development Commission as a special taxing district within the city; to provide  
4 relative to the purpose, boundaries, governance, and powers and duties of the district;  
5 to provide relative to district funding, including the authority to use tax increment  
6 financing; and 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. 33:9038.65 is hereby enacted to read as follows:

12 §9038.65. Ouachita Riverfront Development Commission

13 A. Creation. There is hereby created in the city of Monroe, the Ouachita  
14 Riverfront Development Commission, as a special taxing district and body politic  
15 and corporate of the state, referred to in this Section as the "district". The district  
16 shall be a political subdivision of the state, and the district is hereby granted all of  
17 the rights, powers, privileges, and immunities accorded by law and the Constitution  
18 of Louisiana to political subdivisions of the state, subject to the limitations provided  
19 in this Section.

20 B. Boundaries. The district shall be comprised of the following described  
21 parcels or tracts of land located in the city of Monroe, referred to in this Section as  
22 the "property":

23 A certain tract or parcel of land situated in Sections 46, 56, and 57, Township  
24 17 North, Range 3 East & Sections 50, 54, and 55, Township 18 North, Range 3

1           East, Land District North of Red River, Ouachita Parish, Louisiana and being more  
 2           particularly described as follows:  
 3                     Commence at the intersection of the centerline of Louisville Avenue and the  
 4           centerline of Walnut Street located in Section 50, Township 18 North, Range 3 East,  
 5           Land District North of Red River, Ouachita Parish, Louisiana and the POINT OF  
 6           BEGINNING; proceed South 33/51'56" East along the centerline of Walnut Street,  
 7           a distance of 722.41 feet; thence proceed South 33/23'50" East along said centerline,  
 8           a distance of 894.26 feet; thence proceed South 33/19'52" East along said centerline,  
 9           a distance of 247.11 feet to the intersection of the centerline of Walnut Street and the  
 10          centerline of North Grand Street; thence proceed South 24/04'32" East along the  
 11          centerline of North Grand Street, a distance of 727.45 feet to the intersection of the  
 12          centerline of North Grand Street, the centerline of DeSiard Street and the centerline  
 13          of South Grand Street; thence proceed South 24/01'24" East along the centerline of  
 14          South Grand Street, a distance of 1,795.22 feet; thence proceed South 23/04'42" East  
 15          along said centerline, a distance of 294.41 feet; thence proceed South 17/26'24" East  
 16          along said centerline, a distance of 1,029.44 feet; thence proceed South 10/00'29"  
 17          East along said centerline, a distance of 162.63 feet; thence proceed South 06/24'39"  
 18          East along said centerline, a distance of 210.93 feet; thence proceed South 11/26'28"  
 19          East along said centerline, a distance of 201.85 feet; thence proceed South 22/26'34"  
 20          East along said centerline, a distance of 234.43 feet; thence proceed South 35/18'40"  
 21          East along said centerline, a distance of 207.80 feet; thence proceed South 45/45'50"  
 22          East along said centerline, a distance of 124.91 feet to the intersection of South  
 23          Grand Street and Morris Avenue; thence proceed South 70/09'02" West, a distance  
 24          of 603.45 to the centerline of the Ouachita River; thence proceed North 18/49'36"  
 25          West along the centerline of the Ouachita River, a distance of 1,525.34 feet; thence  
 26          proceed North 18/26'06" West along said centerline, a distance of 1,087.37 feet;  
 27          thence proceed North 21/47'40" West along said centerline, a distance of 1,164.15  
 28          feet; thence proceed North 37/49'42" West along said centerline, a distance of  
 29          1,669.87 feet; thence proceed North 49/11'06" West along said centerline, a distance  
 30          of 1,277.99 feet to the intersection of the centerline of the Ouachita River and the

1 centerline of Louisville Avenue; thence proceed North 53/26'29" East along the  
2 centerline of Louisville Avenue, a distance of 1,153.06 feet to the POINT OF  
3 BEGINNING, containing 102.80 acres, more or less, and being subject to all  
4 easements, servitudes and rights-of-way of record and/or of use.

5 C. Purpose. The district is created to provide for cooperative economic and  
6 community development among the district, the city, the state, and the owners of  
7 property in the district, in order to assist in the redevelopment of and improvement  
8 to the property within the area of the district.

9 D. Governance. (1) In order to provide for the orderly development of the  
10 district and effectuation of the purposes of the district, the district shall be  
11 administered and governed by a board of commissioners, referred to in this Section  
12 as the "board", comprised of seven members as follows:

13 (a) The mayor of the city of Monroe shall appoint one member.

14 (b) The five members of the governing authority of the city of Monroe shall  
15 each appoint one member.

16 (c) The chairman of the Downtown Economic Development District of the  
17 city of Monroe, or his designee, shall serve as an ex officio member of the board.

18 (2) Each member appointed to the board, and any designee, shall be a citizen  
19 of the city of Monroe, and at least one member of the board shall own property  
20 within the district or be the representative of a private entity that owns property  
21 within the district.

22 (3)(a) Appointed members of the board shall serve four-year terms after  
23 serving initial terms as provided in Subparagraph (b) of this Paragraph.

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

27 (c) The chairman of the Downtown Economic Development District shall  
28 serve during his term of office. Any designee of the chairman shall serve at the  
29 pleasure of the chairman.

1           (4) Upon expiration of the term of any appointed member of the board, such  
2           member shall continue to serve until reappointed or a successor is duly appointed.  
3           Any vacancy in the membership of the board, occurring either by reason of death,  
4           resignation, or otherwise, shall be filled in the manner of the original appointment.  
5           If such appointment to fill a vacancy does not take place within sixty days, the board  
6           shall appoint an interim successor to serve until the position is filled by the  
7           appointing entity.

8           (5) Any member of the board may be removed by a three-fourths vote of the  
9           remaining membership of the board for cause, which cause may include failure to  
10          attend at least one-half of the meetings of the board in a calendar year.

11          (6) The members of the board shall serve without salary or per diem. The  
12          board may reimburse any member for reasonable, actual, and necessary expenses  
13          incurred in the performance of his duties pursuant to this Section.

14          (7) The board shall elect from its members a president, a vice president, a  
15          secretary, and a treasurer, whose duties shall be those common to such offices. At  
16          the option of the board, the offices of secretary and treasurer may be held by one  
17          person.

18          (8) The board shall meet in regular session once each month and shall also  
19          meet in special session as often as the president of the board convenes the board or  
20          upon the written request of three members. A majority of the members of the board  
21          of commissioners shall constitute a quorum for the transaction of business. All such  
22          meetings shall be public meetings subject to the provisions of R.S. 42:11 et seq. The  
23          board shall keep minutes of all meetings and shall make them available for  
24          inspection through the board's secretary or secretary-treasurer, who shall also  
25          maintain the minute books and archives of the district. The monies, funds, and  
26          accounts of the district shall be in the official custody of the board.

27          (9) The domicile of the board shall be established by the board at a location  
28          within the district. The official journal of the district shall be the official journal of  
29          the city of Monroe.

1           E. Rights and powers. The district, acting by and through its board, shall  
 2           have and exercise all powers of a political subdivision necessary or convenient for  
 3           the carrying out of its objects and purposes, including but not limited to the  
 4           following:

5                     (1) To sue and to be sued.

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

7                     (3) To acquire by gift, grant, purchase, or otherwise all property, including  
 8           rights-of-way; to hold and use any franchise or property, real, personal, or mixed,  
 9           tangible or intangible, or any interest therein, necessary or desirable for carrying out  
 10          the objects and purposes of the district, including but not limited to the  
 11          establishment, maintenance, and operation of industrial parks, ports, harbors, and  
 12          terminals.

13                    (4) To enter into contracts for the purchase, acquisition, construction, and  
 14          improvement of works and facilities necessary in connection with the purposes of the  
 15          district.

16                    (5) In its own name and on its own behalf, to incur debt and to issue revenue  
 17          bonds, special assessment bonds, certificates, notes, and other evidences of  
 18          indebtedness and to levy and cause to be collected certain taxes as provided in this  
 19          Section and as may be provided by general law.

20                    (6) To regulate the imposition of fees and rentals charged by the district for  
 21          its facilities and services rendered by it.

22                    (7) To borrow money and pledge all or part of its revenues, leases, rents, or  
 23          other advantages as security for such loans.

24                    (8) To appoint officers, agents, and employees, prescribe their duties, and fix  
 25          their compensation.

26                    (9) To exercise any and all of the powers granted to an economic  
 27          development district as if the district were an economic development district  
 28          established pursuant to Part II of Chapter 27 of this Title, including but not limited  
 29          to the powers of tax increment financing pursuant to R.S. 33:9038.33 and 9038.34  
 30          and the power to levy taxes within the district pursuant to R.S. 33:9038.39, provided

1           that any such powers exercised by the district shall be subject to the provisions of  
 2           Part II of Chapter 27 of this Title, and the levy of any tax shall also be subject to all  
 3           of the other requirements of this Section.

4           (10) To exercise any and all of the powers granted to a community  
 5           development district as if the district were a community development district  
 6           established pursuant to Chapter 27-B of this Title, including but not limited to the  
 7           power to levy special assessments on property within the district pursuant to R.S.  
 8           33:9039.29, provided that any such powers exercised by the district shall be subject  
 9           to the provisions of Chapter 27-B of this Title, and the levy of any assessment shall  
 10          also be subject to all of the other requirements of this Section.

11          F. Levy of taxes. (1) It is expressly provided that any taxes levied by the  
 12          district, or any subdistrict created by the district, pursuant to the authority provided  
 13          in Paragraph (E)(9) of this Section, may exceed the limitation set forth by Article VI,  
 14          Section 29(A) of the Constitution of Louisiana and shall be imposed, collected, and  
 15          enforced subject to the terms of the resolution imposing the tax and the provisions  
 16          of Chapter 2 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950.

17          (2)(a) Notwithstanding other provisions of this Section or any other law to  
 18          the contrary, the provisions of this Subsection shall apply to the levy of any tax or  
 19          assessment by a district or subdistrict under any authority provided in this Section.  
 20          Any taxes or assessments of any type to be levied by the district, or any subdistrict  
 21          created by the district, shall be levied only after the board has adopted an appropriate  
 22          resolution giving notice of its intention to levy such taxes or assessments, which  
 23          resolution shall include a general description of the taxes or assessments to be levied,  
 24          and notice of this intention shall be published once a week for two weeks in the  
 25          official journal of the district, the first publication to appear at least fourteen days  
 26          before the public meeting of the board at which the board will meet in open and  
 27          public session to hear any objections to the proposed taxes or assessments. The  
 28          notice of intent so published shall state the date, time, and place of the public  
 29          hearing.

1           **(b) Such taxes or assessments may be levied only after the board has**  
2           **received the approval of the governing authority of the city of Monroe at a public**  
3           **meeting of such authority, and the proposition for the levy of such taxes and/or**  
4           **assessments has been submitted to the electors of the city at an election held for that**  
5           **purpose at the same time as a regularly scheduled election as provided in the**  
6           **Louisiana Election Code and the proposition has received the favorable vote of a**  
7           **majority of the electors voting in the election. This Section does and shall be**  
8           **construed to provide a complete and additional method for the levy of any taxes or**  
9           **assessments. No election, proceeding, notice, or approval is required for the levy of**  
10           **such taxes or assessments except as provided in this Section.**

11           **G. Creation of subdistricts. The district may create subdistricts as provided**  
12           **in this Section. The district shall publish notice of its intent to create a subdistrict in**  
13           **the official journal of the district. At least ten days after publication of such notice**  
14           **in the official journal of the district, the board shall conduct a public hearing on the**  
15           **question of creating a subdistrict. Thereafter, the board may designate one or more**  
16           **areas within the boundaries of the district as a subdistrict of the district. Each**  
17           **subdistrict shall constitute a political subdivision of the state and shall be governed**  
18           **by the board. Each subdistrict shall have the same powers as the district and shall**  
19           **be given a name and designated as "Ouachita Riverfront Development District,**  
20           **Subdistrict No." or such other suitable name as the board may designate.**

21           **H. Bonds of the district. (1) The district, or any subdistrict created by the**  
22           **district, is hereby authorized and empowered to issue and sell from time to time**  
23           **bonds, notes, renewal notes, refunding bonds, interim certificates, certificates of**  
24           **indebtedness, certificates of participation, debentures, warrants, commercial paper,**  
25           **or other obligations or evidences of indebtedness to provide funds for and to fulfill**  
26           **and achieve its public purpose or corporate purposes, as set forth in this Section,**  
27           **including but not limited to the payment of all or a portion of the costs of a project,**  
28           **to provide amounts necessary for any corporate purposes, including necessary and**  
29           **incidental expenses in connection with the issuance of the obligations, the payment**  
30           **of principal and interest on the obligations of the district, the establishment of**

1 reserves to secure such obligations, and all other purposes and expenditures of the  
2 district incident to and necessary or convenient to carry out its public functions or  
3 corporate purposes, and any credit enhancement for the obligations. However,  
4 nothing in this Paragraph shall be construed as authorizing the use of the proceeds  
5 of any indebtedness for any operating expenses of the district not incidental to the  
6 incurring, securing, or payment of indebtedness of the district.

7 (2) Except as may otherwise be provided by the board, all obligations issued  
8 by the district, or any subdistrict created by the district, shall be negotiable  
9 instruments and payable solely from the revenues of the district or subdistrict, as  
10 applicable, as determined by the board, or from any other sources whatsoever, that  
11 may be available to the district or subdistrict, as applicable, but shall not be secured  
12 by the full faith and credit of the state or the city of Monroe.

13 (3) Obligations shall be authorized, issued, and sold by a resolution or  
14 resolutions of the board. Such bonds or obligations may be of such series, bear such  
15 date or dates, mature at such time or times, bear interest at such rate or rates,  
16 including variable, adjustable, or zero interest rates, be payable at such time or times,  
17 be in such denominations, be sold at such price or prices, at public or private  
18 negotiated sale, after advertisement as is provided for in R.S. 39:1426, be in such  
19 form, carry such registration and exchangeability privileges, be payable at such place  
20 or places, be subject to such terms of redemption, and be entitled to such priorities  
21 on the income, revenue, and receipts of, or available to, the district or subdistrict, as  
22 applicable, as may be provided by the board in the resolution or resolutions  
23 providing for the issuance and sale of the bonds or obligations of the district.

24 (4) The obligations of the district, or any subdistrict created by the district,  
25 shall be signed by such officers of the board by either manual or facsimile signatures  
26 as shall be determined by resolution or resolutions of the board, and shall have  
27 impressed or imprinted thereon the seal of the district, or a facsimile thereof.

28 (5) Any obligations of the district, or any subdistrict created by the district,  
29 may be validly issued, sold, and delivered, notwithstanding that one or more of the  
30 officers of the board signing such obligations, or whose facsimile signature or



1 signatures may be on the obligations, shall have ceased to be such officer of the  
2 board at the time such obligations shall actually have been delivered.

3 (6) Obligations of the district, or any subdistrict created by the district, may  
4 be sold in such manner and from time to time as may be determined by the district  
5 to be most beneficial, subject to approval of the State Bond Commission, and the  
6 district may pay all expenses, premiums, fees, or commissions, which it may deem  
7 necessary or advantageous in connection with the issuance and sale thereof.

8 (7) The board may authorize the establishment of a fund or funds for the  
9 creation of a debt service reserve, a renewal and replacement reserve, or such other  
10 funds or reserves as the board may approve with respect to the financing and  
11 operation of any project funded with the proceeds of such bonds and as may be  
12 authorized by any bond resolution, trust agreement, indenture of trust, or similar  
13 instrument or agreement pursuant to the provisions of which the issuance of bonds  
14 or other obligations of the district or subdistrict may be authorized.

15 (8) Any cost, obligation, or expense incurred for any of the purposes or  
16 powers of the district specified in this Section shall be a part of the project costs and  
17 may be paid or reimbursed as such out of the proceeds of bonds or other obligations  
18 issued by the district or subdistrict; provided however, no portion of any state sales  
19 taxes made directly available to the district pursuant to an agreement with the state  
20 shall be used by the district to pay the costs of constructing or operating any  
21 privately owned hotel located within the district, without the consent of the Joint  
22 Legislative Committee on the Budget or its successor.

23 (9) For a period of thirty days from the date of publication of the resolution  
24 authorizing the issuance of bonds hereunder, any persons in interest shall have the  
25 right to contest the legality of the resolution and the legality of the bond issue for any  
26 cause, after which time no one shall have any cause or right of action to contest the  
27 legality of the resolution or of the bonds authorized thereby for any cause  
28 whatsoever. If no suit, action, or proceeding is begun contesting the validity of the  
29 bond issue within the thirty days herein prescribed, the authority to issue the bonds  
30 and to provide for the payment thereof, and the legality thereof, and all of the

1 provisions of the resolution authorizing the issuance of the bonds, shall be  
2 conclusively presumed, and no court shall have authority to inquire into such  
3 matters.

4 (10) Neither the members of the board nor any person executing the bonds  
5 shall be personally liable for the bonds or be subject to any personal liability by  
6 reason of the issuance thereof. No earnings or assets of the district, or any subdistrict  
7 created by the district, shall accrue to the benefit of any private persons; however,  
8 the limitation of liability provided for in this Paragraph shall not apply to any gross  
9 negligence or criminal negligence on the part of any member of the board or person  
10 executing the bonds.

11 (11) All obligations authorized to be issued by the district, or any subdistrict  
12 created by the district, pursuant to the provisions of this Section, together with  
13 interest thereof, income therefrom, and gain upon the sale thereof shall be exempt  
14 from all state and local taxes.

15 (12) The state and all public officers, any parish, municipality, or other  
16 subdivision or instrumentality of the state, any political subdivision, any bank,  
17 banker, trust company, savings bank and institution, building and loan association,  
18 savings and loan association, investment company or any person carrying on a  
19 banking or investment business, any insurance company or business, insurance  
20 association, and any person carrying on an insurance business, and any executor,  
21 administrator, curator, trustee, and other fiduciary, and any retirement system or  
22 pension fund may legally invest any sinking funds monies, or other funds belonging  
23 to them or within their control in any bonds or other obligations issued by the  
24 district, or any subdistrict created by the district, pursuant to the provisions of this  
25 Section, and such bonds or other obligations shall be authorized security for all  
26 public deposits. It is the purpose of this Section to authorize such persons, firms,  
27 corporations, associations, political subdivisions and officers, or other entities, public  
28 or private, to use any funds owned or controlled by them, including but not limited  
29 to sinking, insurance, investment, retirement, compensation, pension and trust funds,  
30 and funds held on deposit, for the purchase of any such bonds or other obligations

1 of the district or subdistrict, and that any such bonds shall be authorized security for  
2 all public deposits; however, nothing contained in this Section with regard to legal  
3 investments or security for public deposits shall be construed as relieving any such  
4 person, firm, corporation, or other entity from any duty of exercising reasonable care  
5 in selecting securities.

6 I. Term. The district shall dissolve and cease to exist upon the later to occur  
7 of either one year after the date on which all loans, bonds, notes, and other evidences  
8 of indebtedness of the district, including refunding bonds, are paid in full as to both  
9 principal and interest, or fifty years from the effective date of this Section.

10 J. Liberal construction. This Section, being necessary for the welfare of the  
11 state, the city, and its residents, shall be liberally construed to effect the purposes  
12 thereof.

13 K. Severability. The provisions of this Section are severable. It is intended  
14 that if any provision of this Section should be adjudged invalid or unenforceable,  
15 then such provision shall be ineffective to the extent of such invalidity or  
16 unenforceability without invalidating the remaining provisions of this Section.

17 Section 2. This Act shall become effective on July 1, 2011; if vetoed by the governor  
18 and subsequently approved by the legislature, this Act shall become effective on July 1,  
19 2011, or on the day following such approval by the legislature, whichever is later.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

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

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

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