

SENATE BILL NO. 385

BY SENATOR CLAITOR

1 AN ACT

2 To enact R.S. 33:9097.8, relative to East Baton Rouge Parish; to create the Broadmoor  
3 Crime Prevention and Improvement District; to provide for the purpose, governance,  
4 and powers and duties of the district; to provide with respect to the levy of an ad  
5 valorem tax within the district; and to provide for related matters.

6 Notice of intention to introduce this Act has been published.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 33:9097.8 is hereby enacted to read as follows:

9 **§9097.8. Broadmoor Crime Prevention and Improvement District**

10 **A. Creation. There is hereby created within the parish of East Baton**  
11 **Rouge, as more specifically provided in Subsection B of this Section, a body**  
12 **politic and corporate which shall be known as the Broadmoor Crime Prevention**  
13 **and Improvement District, hereinafter referred to as the "district". The district**  
14 **shall be a political subdivision of the state as defined in the Constitution of**  
15 **Louisiana.**

16 **B. Boundaries. The boundaries of the district shall be coterminous with**  
17 **the boundaries of the Broadmoor Subdivision in East Baton Rouge Parish as**  
18 **established in the official subdivision plat filed with the clerk of court of East**  
19 **Baton Rouge Parish.**

20 **C. Purpose. The purpose of the district shall be to aid in crime**  
21 **prevention and to add to the security of district residents by providing for an**  
22 **increase in the presence of law enforcement personnel in the district and to**  
23 **serve the needs of the residents of the district by funding beautification and**  
24 **improvements for the overall betterment of the district.**

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

27 **(a) The president of the Broadmoor Residents Association, Inc.**

1           **(b) The board of directors of the Broadmoor Residents Association, Inc.**  
2           **or its successor shall appoint one member.**

3           **(c) The member or members of the Louisiana House of Representatives**  
4           **who represent the area which comprises the district shall appoint one member.**

5           **(d) The member or members of the Louisiana Senate who represent the**  
6           **area which comprises the district shall appoint one member.**

7           **(e) The assessor for the parish of East Baton Rouge shall appoint one**  
8           **member.**

9           **(f) The mayor-president for the parish of East Baton Rouge shall appoint**  
10           **one member.**

11           **(g) The Metro Council member or council members who represent the**  
12           **district shall appoint one member.**

13           **(2) All members of the board shall own property within the district.**

14           **(3)(a) The terms of the members appointed pursuant to Subparagraphs**  
15           **(1)(c) through (g) of this Subsection shall be concurrent with the respective**  
16           **appointing authority.**

17           **(b) The member serving pursuant to Subparagraph (1)(b) of this**  
18           **Subsection shall serve a term of four years after an initial term of one year.**

19           **(c) The member serving pursuant to Subparagraph (1)(a) of this**  
20           **Subsection shall serve during his term of office.**

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

24           **(5) The members of the board shall serve without compensation and shall**  
25           **not receive reimbursement for expenses.**

26           **E. Powers and duties. The district, acting through its board of**  
27           **commissioners, shall have the following powers and duties:**

28           **(1) To sue and be sued.**

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

30           **(3) To receive and expend funds collected pursuant to Subsection F and**

1 in accordance with a budget adopted as provided by Subsection G of this  
 2 Section.

3 (4) To accept private grants and donations.

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

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

8 (7) To acquire, lease, insure, and sell real property within the boundaries  
 9 of the district in accordance with district plans.

10 (8) To perform or have performed any other function or activity  
 11 necessary for the achievement of the purpose of the district.

12 F. Ad valorem tax. The governing authority of East Baton Rouge Parish  
 13 is hereby authorized to levy and collect annually special taxes within the district  
 14 subject to and in accordance with the provisions of this Subsection:

15 (1) The amount of the annual tax shall be as requested by duly adopted  
 16 resolution of the governing authority of the district. The tax shall be a special  
 17 ad valorem tax levied on taxable property in the district and shall not exceed  
 18 one mill.

19 (2)(a) The tax shall be levied on each improved parcel located within the  
 20 district.

21 (b) For purposes of this Section, "parcel" means a lot, a subdivided  
 22 portion of ground, or an individual tract and does not mean a "condominium  
 23 parcel" as defined in R.S. 9:1121.103. Thus, with respect to condominiums, the  
 24 fee collector shall impose the parcel fee on each lot on which condominiums are  
 25 situated and not on individual condominium units.

26 (c) The owner of the parcel shall be responsible for payment of the tax.  
 27 The tax collector shall submit the bill for a parcel fee which is to be collected  
 28 from condominium owners to the condominium owners' association and the  
 29 association shall pay the fee from funds available for that purpose. The  
 30 association shall remain liable for the entire fee until it is paid.

1           **(3)(a) The fee shall be imposed only after the question of its imposition**  
2           **has been approved by a majority of the registered voters of the district voting**  
3           **at an election held for that purpose in accordance with the Louisiana Election**  
4           **Code. At least thirty days prior to any election held to approve the levy of a tax,**  
5           **the board of commissioners shall mail notification of the upcoming election to**  
6           **each registered voter of the district and to the owner of a parcel if the owner is**  
7           **not a registered voter of the district. No other election shall be required except**  
8           **as provided by this Paragraph.**

9           **(b) The tax shall expire ten years from its initial levy but may be renewed**  
10           **as provided in Subparagraph (3)(a) of this Subsection. If renewed, the term of**  
11           **the imposition of the tax shall be as provided in the proposition authorizing**  
12           **such renewal, not to exceed ten years.**

13           **(4) The tax shall be collected at the same time and in the same manner**  
14           **as all other ad valorem taxes on property subject to taxation by the city are**  
15           **levied and collected.**

16           **(5) Any tax which is unpaid shall be added to the tax rolls of the city and**  
17           **shall be enforced with the same authority and subject to the same penalties and**  
18           **procedures as unpaid ad valorem taxes.**

19           **(6) The parish of East Baton Rouge shall remit to the district all amounts**  
20           **collected not more than sixty days after collection. However, the board may**  
21           **enter into an agreement with the parish to authorize the parish to retain, as a**  
22           **collection fee, not more than one percent of the amount collected.**

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

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

29           **H. Miscellaneous provisions. (1) It is the purpose and intent of this**  
30           **Section that the additional law enforcement personnel and their services**

1           provided for through the fees authorized herein shall be supplemental to and  
 2           not in lieu of personnel and services provided in the district by the city of Baton  
 3           Rouge and East Baton Rouge Parish.

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

7           Section 2. This Act shall become effective on July 1, 2010.

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

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

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

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