

SENATE BILL NO. 395

BY SENATOR WHITE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

AN ACT

To enact R.S. 33:9097.13, relative to East Baton Rouge Parish; to create a crime prevention and improvement district for the Carmel Acres Subdivision; 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.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9097.13 is hereby enacted to read as follows:

§9097.13. Carmel Acres Crime Prevention and 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 Carmel Acres Crime Prevention and Improvement District, hereinafter 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 Carmel Acres Subdivision in East Baton Rouge Parish as established in the official subdivision plat filed with the clerk of court of East Baton Rouge Parish.

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

D. Governance. (1) The district shall be governed by a board of

1 commissioners consisting of seven members as follows:

2 (a) The board of directors of the Carmel Acres Civic Association, Inc.,
3 shall appoint two members.

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

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

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

10 (e) The mayor of Central shall appoint one member.

11 (f) 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 and reside within the
14 district.

15 (3)(a) The terms of the members appointed pursuant to Subparagraph
16 (1)(a) of this Subsection shall be two years.

17 (b) The terms of the members serving pursuant to Subparagraphs (1)(b)
18 through (f) of this Subsection shall be three years.

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

22 (5) The members of the board shall serve without compensation and shall
23 not receive reimbursement for expenses.

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

26 (1) To sue and be sued.

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

28 (3) To receive and expend funds collected pursuant to Subsection F and
29 in accordance with a budget adopted as provided by Subsection G of this
30 Section.

1 **(4) To accept private grants and donations.**

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

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

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

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

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

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

15 **(b) For the purposes of this Section, a parcel shall be defined as a lot, a**
16 **subdivided portion of ground, or an individual tract on which a residential or**
17 **commercial structure is situated; however, the term "parcel" shall not include**
18 **"condominium parcel" or "condominium property" as defined in R.S.**
19 **9:1121.103.**

20 **(2)(a)(i) The initial amount of the fee shall be as requested by duly**
21 **adopted resolution of the governing authority of the district. The initial fee**
22 **shall not exceed one hundred dollars per parcel per year.**

23 **(ii) The fee shall be imposed only after the question of its imposition has**
24 **been approved by a majority of the registered voters of the district voting on the**
25 **proposition at an election held for that purpose in accordance with the**
26 **Louisiana Election Code. No less than thirty days prior to any election held to**
27 **approve such parcel fee, the board of commissioners shall mail notification of**
28 **the upcoming election to each registered voter of the district and to the owner**
29 **of a parcel if the owner is not a registered voter of the district.**

30 **(b) Not less than five years after approval of the parcel fee by a majority**

1 of the registered voters of the district, the governing authority of the district
2 may increase the amount of the parcel fee one time without an election. The
3 amount of the increased fee shall be as provided in a duly adopted resolution of
4 the board, not to exceed two hundred dollars per parcel per year.

5 (3) A parcel fee shall expire ten years after its levy but may be renewed
6 if the renewal is approved by the voters in the manner provided in
7 Subparagraph (2)(a) of this Subsection. The renewed fee shall not exceed two
8 hundred dollars per parcel per year. If renewed, the term of the imposition of
9 the fee shall be as provided in the proposition authorizing such renewal, not to
10 exceed ten years.

11 (4) The owner of the parcel is responsible for payment of the fee.

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

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

21 G. Budget. (1) The board of commissioners shall adopt an annual
22 budget in accordance with the Louisiana Local Government Budget Act, R.S.
23 39:1301 et seq.

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

26 H. Miscellaneous provisions. (1) It is the purpose and intent of this
27 Section that the additional law enforcement personnel and their services
28 provided for through the fees authorized herein shall be supplemental to and
29 not in lieu of personnel and services provided in the district by the city of Baton
30 Rouge and East Baton Rouge Parish.

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

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

8 (2) No board member or officer of the district shall be liable to the
9 district or to any individual who resides, owns property, visits, or otherwise
10 conducts business in the district for monetary damages for breach of his duties
11 as a board member or officer, provided that the foregoing provision shall not
12 eliminate or limit the liability of a board member or officer for any of the
13 following:

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

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

18 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
19 9:2792.1 through 2792.9, a person serving the district as a board member or
20 officer shall not be individually liable for any act or omission arising out of the
21 performance of his duties.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____