

**BROADMOOR RESIDENTS ASSOCIATION
TAXING DISTRICT PROPOSAL
PROPOSED LEGISLATION
PERMANENT FILE**

**Proposed Broadmoor Residents Association District Act Draft
Confidential – For board purposes only**

AN ACT

To enact Part III of Chapter 29 of Title 33 of the Louisiana Revised Statute of 1950, to be comprised of RS 33:9097.1, relative to the Broadmoor Crime Prevention and Improvement District; to create and provide with respect to such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for the imposition and collection of a parcel fee and for the use thereof; 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:

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 Broadmoor 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 single-family residential Broadmoor 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.

D. Governance.

(1) The district shall be governed by a board of commissioners consisting of seven members as follows:

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

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

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

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

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

(f) The mayor-president shall appoint one member.

(g) The metro council member or council members who represent the district shall appoint one member.

(2) All members of the board shall own property and reside within the district.

(3)

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

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

(c) The member serving pursuant to Subparagraph (1)(a) shall serve during his term of office.

(4) Vacancies resulting from the expiration of a term or any other reason shall be filled in the manner of the original appointment. Members shall be eligible for reappointment.

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

(6) The members of the board shall serve without compensation and shall not receive reimbursement for 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 and in accordance with a budget adopted as provided by Subsection G of this Section.

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

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

(6) To perform or have performed any other function or activity necessary for the achievement of the 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) The amount of the fee shall be as requested by duly adopted resolution of the governing authority of the district. The fee, however, shall not exceed one mill per parcel per year.

(2)

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

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

(3)

(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 at an election held for that purpose in accordance with the Louisiana Election Code. At least thirty days prior to any election held to approve imposition of a parcel fee, the board of commissioners shall mail notification of the upcoming election to each registered voter of the district and to the owner of a parcel if the owner is not a registered voter of the district. No other election shall be required except as provided by this Paragraph.

(b) The election on the question of the imposition of the fee shall be held at the election scheduled to be held in the parish on June 31, 2010.

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(c) The fee shall be levied beginning on January 1, 2011. The fee shall expire ten years from its initial levy but may be renewed as provided in Subparagraph (3)(a) of this Subsection at the primary election for members of congress prior to the expiration of the fee.

(d) If the fee is not approved at the election held pursuant to Subparagraph (3)(b) of this Section, the provisions of this Section shall be null and void and of no effect.

(4) The fee shall be collected at the same time and in the same manner as ad valorem taxes are collected by the parish.

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

(6) The parish of East Baton Rouge shall remit to the district all amounts collected not more than sixty days after collection. However, the parish may retain one percent of the amount collected as a collection fee.

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 subject to the approval of 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 personnel and services provided by the district shall be supplemental to and not in lieu of personnel and services provided in the district by the city of Baton Rouge and East Baton Rouge Parish.

(2) If the district ceases to exist, any funds of the district shall be transmitted to the East Baton Rouge Metropolitan Council and shall be used for law enforcement purposes in the district.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.