

ACT 437

Regular Session, 1984

SENATE BILL NO. 1131 (Introduced pursuant to the authority of SCR No. 67)

BY MR. HUDSON



ORIGINATED

IN THE

SENATE

Received by Secretary of State

GOVERNOR'S OFFICE this 10th day of July, 1984

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James H. "Jim" Brown
Secretary of State

SECRETARY OF THE SENATE

Regular Session, 1984

ENROLLED

SENATE BILL NO. 1131 (Introduced pursuant to the authority of SCR No. 67)
BY MR. HUDSON

AN ACT

To enact R.S. 33:2740.6, relative to the creation of the Downtown Development District of the City of Baton Rouge; to provide for boundaries of the district; to provide for a board of commissioners and the powers, duties, and functions thereof; to provide for the levy and collection of a special ad valorem tax; to provide for the issuance of bonds and other instruments of indebtedness; to provide for the operation of the district; 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. 33:2740.6 is hereby enacted to read as follows:

§2740.6. The downtown development district of the city of Baton Rouge; creation, composition and powers; preparation of plans, levy of special ad valorem taxes, and issuance of bonds and other instruments of indebtedness

A. The Metropolitan Council of the city of Baton Rouge and the parish of East Baton Rouge, with the approval of the mayor-president, is authorized to create a special taxing district within the city of Baton Rouge comprised of all the territory within the following prescribed boundaries:

The western boundary of the district shall be the east bank of the Mississippi River; the northern boundary shall run east of the Mississippi River, behind the old Our Lady of the Lake Hospital, continuing along the bank of the Capitol Lake, extending down the Capitol Access Road to the I-110 Interstate highway; the eastern boundary shall be the I-110 Interstate highway; and the southern boundary shall be the I-10 Interstate highway and

bridge over the Mississippi River.

The special taxing district shall be known and designated as the Downtown Development District of the City of Baton Rouge, hereinafter referred to as the district.

B. The Metropolitan Council of the Parish of East Baton Rouge, hereinafter referred to as the metro council, the governing authority of the city of Baton Rouge and of the parish of East Baton Rouge, or its successor exercising the legislative powers of the city and parish, hereinafter referred to as the city-parish, shall have control over and responsibility for the functions, affairs, and administration of the district.

C. In order to provide for the orderly planning, development, acquisition, construction, and effectuation of the services, improvements, and facilities to be furnished by the district and to provide for the representation in the affairs of the district of those persons and interests immediately concerned with and affected by the purposes and development of the district, there is hereby authorized to be created a board of commissioners for the district, hereinafter referred to as the board.

D.(1) The board shall be composed of seven members, all of whom shall be qualified voters of the parish of East Baton Rouge, and shall have their principal place of business or profession in, or own property in the Downtown Development District. The seven members shall be appointed as follows:

(a) One member of the board shall be appointed at-large by the mayor-president, with the approval of the metro council.

(b) One member of the board shall be appointed by the mayor-president, with the approval of the metro council, from a list of four nominees submitted by the Greater Baton Rouge Area Chamber of Commerce.

(c) One member of the board shall be appointed by the mayor-president, with the approval of the metro council, from a list of four nominees submitted by the Riverside Association.

(d) Two members of the board shall be appointed by the mayor-president, with the approval of the metro council, from a list of six nominees submitted by the banking institutions located in the district.

(e) One member shall be appointed by the mayor-president with the

approval of the metro council and shall be a resident of Spanish Town.

(f) One member shall be appointed by the mayor-president with the approval of the metro council and shall be a resident of Beaufort Town.

(2) The members of the board initially appointed shall have terms of office as follows: two members for one year each, two members for two years each, and three members for three years each. The length of the term for each individual appointed shall be determined by lot at the first meeting of the board. The members of the board shall serve until their successors have been appointed and qualified. The terms of members of the board appointed upon the expiration of the initial terms shall be three years, and upon expiration of a term of office, the successor shall be appointed in accordance with the procedures herein prescribed for the appointment of the original members. Any vacancy which occurs prior to the expiration of the term for which a member of the board has been appointed shall be filled by appointment in the same manner as the original appointment for the unexpired term.

E. As soon as practical after their appointment, the board shall meet and elect from their number a chairman, a vice-chairman, a secretary, a treasurer, and such other officers as it may deem appropriate. The minute books and archives of the board shall be maintained by the board's secretary with the help and assistance of and through the office of council administrator. The monies, funds, and accounts of the district in the official custody and control of the board's treasurer shall be deposited, expended, and accounted for, records maintained, and idle funds invested through the department of finance, under the director of finance, and checks issued through the office of the parish treasurer as in the case of city-parish monies under the plan of government. The office of parish attorney shall serve as the board's regular attorney, and the services of other offices and departments of the city-parish shall be furnished in accordance with Subsection I of this Section. The duties of the officers shall be fixed by by-laws adopted by the board. The board shall adopt such rules and regulations as it deems necessary or advisable for conducting its business and affairs and, to the extent that funds are available, shall hire such assistants and employees as are needed to assist the board in the performance of its duties. It shall hold regular meetings as shall be provided in the bylaws and may hold

special meetings at such time and places within or without the district as may be prescribed in the bylaws. A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall keep minutes of all meetings and shall make them available to the public in conformance with law. The members of the board shall serve without compensation; however, they shall receive a travel allowance as reimbursement for expenses incurred while attending to the business of the board or the district.

F.(1) The board shall prepare or cause to be prepared a plan or plans specifying the public improvements, facilities, and services proposed to be furnished, constructed, or acquired for the district and shall conduct such public hearings, publish such notice with respect thereto, and disseminate such information as it, in the exercise of its sound discretion, may deem to be appropriate or advisable and in the public interest.

(2) Any plan may specify and encompass any public services, capital improvements, and facilities which the city of Baton Rouge and the parish of East Baton Rouge are authorized to undertake, furnish, or provide under the constitution and laws of the state of Louisiana, and such specified public services, improvements, and facilities shall be special and in addition to all services, improvements, and facilities which the city of Baton Rouge is then furnishing or providing or may then or in the future be obligated to furnish or provide within the district.

(3) Any plan shall include:

(a) An estimate of the annual and total cost of acquiring, constructing, or providing the services, improvements, or facilities set forth therein.

(b) The proportion of the tax to be levied on the taxable real property within the district which is to be set aside and dedicated to paying the cost of furnishing specified services and the proportion of such tax to be set aside and dedicated to paying the cost of capital improvements or paying the cost of debt service on any bonds to be issued to pay the cost of capital improvements, such proportions, in each case, to be expressed in numbers of mills.

(c) An estimate of the total number of mills required to be levied each year on the taxable real property within the district in order to provide the funds required for the implementation of the plan for furnishing the specified

services and for capital improvements, debt service, or both.

(4) The board shall also submit the plan to the city-parish planning commission. The planning commission shall review the plan and determine whether or not it is consistent with the comprehensive plan for the city of Baton Rouge. The planning commission, within thirty days following receipt of the plan, shall submit to the metro council its written opinion as to whether or not the plan or any portion or detail thereof is inconsistent with the comprehensive plan for the city, together with its written comments and recommendations with respect thereto.

(5) After receipt of the plan together with the written comments and recommendations of the city-parish planning commission, the metro council shall review and consider the plan together with the written comments and recommendations. The metro council, by a majority vote of all its members, may adopt or reject the plan as originally submitted by the board or alter or modify the plan or any portion or detail thereof. If the plan as originally submitted by the board is adopted by the majority vote of the metro council, it shall become final and conclusive and may thereafter be implemented. If the metro council alters or modifies the plan by a majority vote of its members, the plan as altered or modified shall be resubmitted to the board for its concurrence or rejection. The board may concur in the modified plan by a majority vote of all of its members. If the board votes to concur in the plan as modified by the metro council, the plan shall become final and conclusive and may thereafter be implemented. If the board does not concur in the plan as modified by the metro council, it shall notify the metro council in writing of its decision. Thereafter and as often as the board may deem to be necessary or advisable, it shall prepare or cause to be prepared a plan or plans and submit the same to the planning commission in accordance with the same procedure hereinabove prescribed with respect to the original plan. The planning commission shall submit such plan, together with their written comments and recommendations, to the metro council for its adoption, modification, or rejection in the manner and with the same effect as provided with respect to the original plan.

G. The provisions of Subsection F of this Section to the contrary notwithstanding, the board may prepare and submit directly to the metro council a plan or plans setting forth its intention to employ professional

consultants, experts, and such other advisors and personnel as it shall deem to be necessary or convenient to assist in the preparation of a plan or plans for the orderly and efficient development of services and improvements within the district. The plan shall specify the services proposed to be rendered by such employees, an estimate of the aggregate of the proposed salaries of such employees, and an estimate of the other expenses of the board required for the preparation of such plan or plans together with a request that a tax in an amount sufficient to cover the costs of such salaries and expenses be levied on the real property within the district. The plan shall include a proposed budget of income and expenditure specified source of funding for each of the years the tax is to run. The metro council shall review and consider such plan within thirty days following submission to it by the board and shall adopt or reject such plan by a majority vote of its members. If the metro council adopts such plan, it shall become final and conclusive, and the tax requested by the board upon approval by special referendum of the electorate of the parish of East Baton Rouge, as required by Subsection J of this Section, shall be levied and collected. If the metro council rejects the plan, it shall notify the board of its action, and the board may again and from time to time prepare and submit to the metro council a plan in accordance with the procedures provided for this in this Subsection.

H. If no plan is finally and conclusively adopted in accordance with the procedures prescribed in this Section within four years after the effective date of this Section, all power and authority conferred hereby shall lapse, the district shall be dissolved, and all power and authority incident thereto shall become null and void as a matter of law; however, in such event, all obligations contractual or otherwise, incurred by the district during its existence, shall survive and shall be fully enforceable in accordance with their terms.

I. All services to be furnished within the district pursuant to any plan finally and conclusively adopted hereunder shall be furnished, supplied, and administered by the city-parish through its regularly constituted departments, agencies, boards, commissions, and instrumentalities. All capital improvements and facilities to be acquired, constructed, or provided within the district, whether from the proceeds of bonds or otherwise, shall likewise be so acquired, constructed, or provided by the city-parish through

its regularly constituted departments, agencies, boards, commissions, and instrumentalities, it being the intention hereof to avoid the duplication of administrative and management efforts and expense in the implementation of any plan adopted for the benefit of the district. In order to provide such services and/or provide, construct, or acquire such capital improvements or facilities, the board may enter into inter-governmental local service contracts with the city-parish. The cost of any such services, capital improvements, or facilities shall be paid for by the district from the proceeds of the special tax levied upon real property within the district as herein provided or from the proceeds of bonds.

J. The metro council, in addition to all other taxes which it is now or hereafter may be authorized to levy and collect, is hereby authorized to levy and collect a special ad valorem tax not to exceed ten mills on the dollar of assessed valuation upon all taxable real property situated within the boundaries of the district. The tax shall be levied for a term not to exceed fifty years and shall be collected in the same manner and at the same time as all other ad valorem taxes on property subject to taxation by the city are collected. No such tax shall be levied until a plan requesting the levy of a tax is finally and conclusively adopted in accordance with the procedures prescribed herein. The proceeds of the tax shall be used exclusively for the purposes and benefit of the district. The tax shall be submitted to a referendum of the electorate of the district conducted in accordance with the Louisiana Election Code. The avails of the tax shall be paid over by the sheriff and ex officio tax collector to the city-parish finance department, day by day, as the same are collected for the account of the district. It is expressly declared that the special tax hereby authorized is limited to immovable property, and nothing contained in this Section shall be construed to levy or authorize the levying of a tax upon movable property of any kind or description whatsoever, whether corporeal or incorporeal.

K.(1) The metro council when requested by resolution adopted by a majority of the members of the board may fund the avails of the tax into bonds or other instruments of indebtedness for the exclusive benefit of the district. The principal of, the premium if any, and interest on the bonds or other instruments of indebtedness shall be payable solely from the proceeds of the special tax authorized, levied, and collected pursuant to the provisions

of this Act. The bonds shall not constitute general obligations of the city or parish, nor shall any property situated within the city or parish other than property situated within the boundaries of the district be subject to taxation for the payment of the principal of, the premium, if any, and interest on such bonds. Any indebtedness incurred by the metro council for and on behalf of the district pursuant to the provisions of this Section, evidenced by bonds, notes, or other evidences of indebtedness, or otherwise, shall be excluded in determining the power of the metro council to incur indebtedness and to issue its general obligation bonds. The principal amount of such bonds which may be outstanding at any one time shall never exceed the sum of twenty million dollars and shall not exceed the total principal amount which may be serviced in principal and interest from not to exceed seventy-five percent of the avails estimated to be available in the first and each succeeding year that any of the bonds are to be outstanding. The proceeds derived from the sale of such bonds shall be paid over to the appropriate officials of the metro council for deposit to the account of the district. The bond shall bear such rate or rates of interest and, except as herein otherwise specifically provided, shall be in such form, terms, and denominations, be redeemable at such times and places, within a period of not exceeding fifty years from the date thereof as may be provided for in the resolution of the metro council providing for their issuance.

(2) The bonds shall be signed by the mayor-president of the metro council and the council administrator of the metro council; provided that in the discretion of the metro council one of the signatures may be in facsimile. In case any officer whose signature appears upon a bond or coupon ceases to be an officer before delivery of the bonds or coupons to the purchaser, his signature or countersignature shall nevertheless be valid for all purposes.

(3) The resolution of the metro council authorizing the issuance and sale of such bonds and fixing the form and details thereof may contain such other provisions as the metro council may deem to be necessary or advisable to enhance the marketability and acceptability thereof by purchasers and investors including but not limited to covenants with bondholders setting forth (a) conditions and limitations on the issuance of additional bonds constituting a lien and charge on the avails of the special tax levied on real property within the district, *pari passu* with bonds theretofore issued and

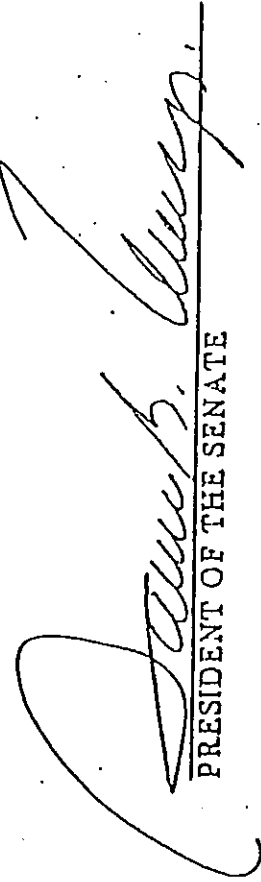
outstanding, (b) the creation of reserves for the payment of the principal of and interest on such bonds. These bonds and the interest thereon shall be exempt from all taxation levied for state, parish, municipal, or other local purposes. Savings banks, tutors of minor, curators of interdicts, trustees and other fiduciaries are authorized to invest the funds in their hands in said bonds.

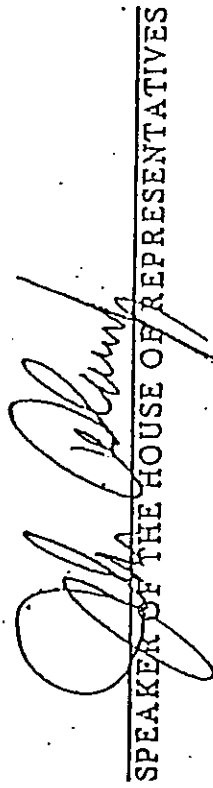
L. Notwithstanding any other provision of this Section to the contrary, no tax authorized herein shall be levied and no bonds shall be issued unless and until the maximum amount of the tax in mills, the years the tax is to run and to be issued under the plan, and the maximum amount of bonds to be issued has been approved by a majority of the electors in the district voting thereon in an election called for that purpose in accordance with the Louisiana Election Code. No bonds issued hereunder shall be general obligations of the state of Louisiana, the parish of East Baton Rouge, the city of Baton Rouge, or the district.

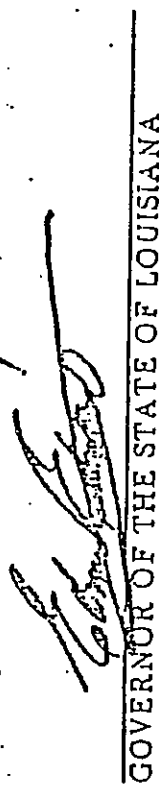
M. The district shall have the power to acquire, to lease, to insure, and to sell real property within its boundaries in accordance with its plans.

N. The district shall have the power to pay the city of Baton Rouge and the parish of East Baton Rouge funds for services rendered by the city-parish under a local services contract between the district and the city-parish.

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 16 of the Constitution of Louisiana.


PRESIDENT OF THE SENATE


SPEAKER OF THE HOUSE OF REPRESENTATIVES


GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: 7/6/84