

2018 Regular Session

HOUSE BILL NO. 850

BY REPRESENTATIVE STEVE CARTER

DISTRICTS/NEIGHBORHOOD: Creates the Cypress Point Improvement District in East Baton Rouge Parish

1 AN ACT

2 To enact R.S. 33:9097.30, relative to East Baton Rouge Parish; to create the Cypress Point
3 Improvement District; to provide relative to the boundaries, purpose, governance,
4 and powers and duties of the district; to provide relative to district funding, including
5 the authority to impose a parcel fee, subject to voter approval, within the district; to
6 provide with respect to termination of the district; 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. 33:9097.30 is hereby enacted to read as follows:

12 §9097.30. Cypress Point Improvement District

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

18 B. Boundaries. The district shall be comprised of the area lying within I-10
19 West, North Branch Ward Creek, and South Essen Heights. Municipal addresses
20 include 8400 through 8680 of East Cypress Point Court.

1 C. Purpose. The purpose of the district shall be to provide for improvements
2 and the overall betterment of the district.

3 D. Governance. (1) The district shall be governed by a seven-member board
4 of commissioners, referred to in this Section as the "board". The board shall be
5 composed as follows:

6 (a) The board of directors of the Cypress Point Homeowners Association
7 shall appoint four members.

8 (b) The member of the Louisiana House of Representatives whose district
9 encompasses all or the greater portion of the area of the district shall appoint one
10 member.

11 (c) The member of the Louisiana Senate whose district encompasses all or
12 the greater portion of the area of the district shall appoint one member.

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

15 (2) All members of the board shall own property and reside within the
16 district and shall be qualified voters of the district.

17 (3)(a) Members shall serve four-year terms after the initial terms as provided
18 in this Subparagraph. Two members shall serve an initial term of one year; two shall
19 serve two years; two shall serve three years, and one shall serve four years, as
20 determined by lot at the first meeting of the board.

21 (b) Members shall be eligible for reappointment.

22 (4) Any vacancy in the membership of the board shall be filled in the manner
23 of the original appointment. If the appointing authority responsible for the
24 appointment of a member fails to fill a vacancy within thirty days, the remaining
25 members of the board may appoint an interim successor to serve until the position
26 is filled by the appointing authority.

27 (5) The board shall elect from its members a chairman, a vice chairman, a
28 secretary, a treasurer, and such other officers as it deems necessary. The duties of
29 the officers shall be fixed by the bylaws adopted by the board.

1 (6) The members of the board shall serve without compensation but shall be
2 reimbursed for reasonable out-of-pocket expenses directly related to the governance
3 of the district, not to exceed one hundred dollars per year.

4 (7) The board shall keep minutes of all meetings and shall make them
5 available through the secretary of the board. The minute books and archives of the
6 district shall be maintained by the secretary of the board. The monies, funds, and
7 accounts of the district shall be in the official custody of the board.

8 (8) The board shall adopt such rules and regulations as it deems necessary
9 or advisable for conducting its business affairs. The board shall hold regular
10 meetings as shall be provided for in the bylaws and may hold special meetings at
11 such times and places within East Baton Rouge Parish as may be prescribed in the
12 bylaws.

13 (9) A majority of the membership of the board shall constitute a quorum for
14 the transaction of business, and all official action of the board shall require the
15 favorable vote of a majority of those members present and voting. All members of
16 the board shall be voting members.

17 (10) The domicile of the board shall be in East Baton Rouge Parish.

18 E. Powers and duties. The district, acting through its board, shall have the
19 following powers and duties:

20 (1) To sue and be sued.

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

22 (3) To receive and expend funds collected pursuant to Subsections F and G
23 of this Section and in accordance with a budget adopted as provided by Subsection
24 H of this Section.

25 (4) To enter into contracts with individuals or entities, private or public.

26 (5) To provide for improved lighting and signage, to provide for the
27 beautification of and improvement to the district, and to provide generally for the
28 overall betterment of the district.

1 (6) To enter into contracts and agreements with one or more other districts
2 for the joint improvement or betterment of all participating districts.

3 (7) To provide for such services and make such expenditures as the board
4 deems proper to carry out the purposes of the district.

5 (8) To acquire or lease items and supplies which the board deems proper to
6 carry out the purposes of the district.

7 (9) To procure and maintain liability insurance against any personal or legal
8 liability of a board member that may be asserted or incurred based upon service as
9 a member of the board or that may arise as a result of actions taken within the scope
10 and discharge of duties as a member of the board.

11 (10) To perform or have performed any other function or activity necessary
12 or appropriate to carry out the purposes of the district or for the overall betterment
13 of the district.

14 F. Parcel fee. The governing authority of the district may impose and collect
15 a parcel fee within the district subject to and in accordance with the provisions of this
16 Subsection:

17 (1)(a) The fee shall be imposed on each improved and unimproved parcel
18 located within the district. The owner of the parcel shall be responsible for the
19 payment of the fee.

20 (b) For purposes of this Section, a parcel shall be defined as a lot, a
21 subdivided portion of ground, or an individual tract which is zoned residential;
22 however, the term "parcel" shall not include "condominium parcel" or
23 "condominium property" as defined in R.S. 9:1121.103.

24 (2)(a) The amount of the fee shall be as provided in a duly adopted
25 resolution of the board. The fee, however, shall not exceed three hundred dollars per
26 parcel per year.

27 (b) The fee shall be imposed only after the question of its imposition has
28 been approved by a majority of the registered voters of the district voting on the

1 proposition at an election held for that purpose in accordance with the Louisiana
2 Election Code.

3 (3) A parcel fee shall expire twenty years after its levy but may be renewed
4 as provided in Subparagraph (2)(b) of this Subsection. The renewed fee shall not
5 exceed the maximum amount authorized in Subparagraph (2)(a) of this Subsection.

6 (4) Not sooner than five years after approval of the parcel fee by the
7 registered voters of the district as provided in this Subsection, the board may
8 increase the amount of the parcel fee one time without an election. The amount of
9 the increased fee shall not exceed the maximum amount authorized in Subparagraph
10 (2)(a) of this Subsection.

11 (5) The fee shall be collected at the same time and in the same manner as ad
12 valorem taxes are collected for East Baton Rouge Parish. The tax collector shall
13 collect and remit to the district all amounts collected not more than sixty days after
14 collection; however, the district may enter into an agreement with the tax collector
15 to authorize the retention of an annual collection fee, not to exceed one percent of the
16 amount collected.

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

20 G. Additional contributions. The district may solicit, accept, and expend
21 additional voluntary contributions and grants to carry out the purposes of the district.

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

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

26 I. Miscellaneous provisions. (1) It is the purpose and intent of this Section
27 that any additional law enforcement personnel and services provided for through the
28 fees authorized in this Section shall be supplemental to, and not in lieu of, personnel

1 and services to be provided in the district by publicly funded law enforcement
2 agencies.

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

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

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

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

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

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

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 850 Original

2018 Regular Session

Steve Carter

Abstract: Creates the Cypress Point Improvement District in East Baton Rouge Parish. Provides for the district's boundaries, purpose, governance, and funding, including the authority to impose a parcel fee.

Proposed law creates the Cypress Point Improvement District in East Baton Rouge Parish as a political subdivision of the state for the purpose of providing for improvements and for the overall betterment of the district. Provides for district boundaries.

Proposed law provides that the district shall be governed by a seven-member board of commissioners composed as follows:

- (1) Four members appointed by the board of directors of the Cypress Point Homeowners Assoc.
- (2) One member appointed by the member of the La. House of Representatives whose district encompasses all or the greater portion of the area of the district.
- (3) One member appointed by the member of the La. Senate whose district encompasses all or the greater portion of the area of the district.
- (4) One member appointed by the assessor for East Baton Rouge Parish.

Proposed law provides for the district's powers and duties including the following:

- (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 proposed law and in accordance with a budget as provided by proposed law.
- (4) To enter into contracts and agreements with one or more other districts for the joint improvement or betterment of all participating districts.
- (5) To perform or have performed any other function or activity necessary for achieving the district's purpose.

Proposed law authorizes the district, subject to voter approval, to impose and collect a parcel fee within the district. Provides that the amount of the fee shall not exceed \$300 per parcel per year. Requires that the fee be imposed on each improved and unimproved parcel located within the district. Authorizes the board, not sooner than five years from the initial proposition of the fee, to increase the fee one time without an election.

Proposed law provides that the fee shall expire 20 years after its levy but authorizes the renewal of the fee.

Proposed law provides that the fee shall be collected at the same time and in the same manner as ad valorem taxes and that any unpaid fee shall be added to the parish tax rolls and enforced with the same authority and subject to the same penalties and procedures as unpaid

ad valorem taxes. Requires the tax collector to remit to the district all amounts collected not more than 60 days after collection authorizes the district to enter into an agreement with the tax collector to authorize the retention of a collection fee, not to exceed 1% of the amount collected.

Proposed law requires the district's board to adopt an annual budget in accordance with the La. Local Government Budget Act and provides that the district shall be subject to audit by the legislative auditor.

Proposed law provides that it is the intent and purpose of proposed law that the additional law enforcement personnel and their services provided for through the fees authorized by proposed law shall be supplemental to, and not in lieu of, personnel and services provided in the district by publicly funded law enforcement agencies.

Proposed law provides that if the district ceases to exist, all district funds shall be transmitted to the city-parish to be used for law enforcement purposes in the area which comprised the district.

Proposed law requires the district to indemnify its officers and board members to the fullest extent permitted by present law (relative to indemnification of officers, directors, employees, and agents of nonprofit organizations) as fully as if the district were a nonprofit corporation governed thereby and as may be provided in district bylaws. Provides that no board member or officer shall be liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for monetary damages for breach of duties. However, provides that this shall not eliminate or limit the liability of a board member or officer for:

- (1) Acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law.
- (2) Any transaction from which he derived an improper personal benefit.

Proposed law provides that a board member or officer shall not be individually liable for any act or omission arising out of the performance of his duties to the fullest extent permitted by present law relative to limitation of liability of directors, officers, and trustees of certain organizations and districts.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:9097.30)