

2022 Regular Session

HOUSE BILL NO. 151

BY REPRESENTATIVE EDMONDS

1 AN ACT

2 To enact R.S. 33:9097.35, relative to East Baton Rouge Parish; to create the Old Jefferson
3 Crime Prevention and Improvement District; to provide relative to the boundaries,
4 purpose, governance, and powers and duties of the district; to provide relative to
5 district funding, including the imposition of a parcel fee, subject to voter approval;
6 to provide for an effective date; 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. 33:9097.35 is hereby enacted to read as follows:

12 §9097.35. Old Jefferson Crime Prevention and 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 Old Jefferson Crime Prevention and
16 Improvement District, referred to in this Section as the "district". The district shall
17 be a political subdivision of the state as defined in the Constitution of Louisiana.

18 B. Boundaries. The district shall include all property in the filings of the Old
19 Jefferson subdivision S/D, Belle Grove S/D, Lagniappe Square S/D, Jefferson
20 Garden Homes, Townes End Corner and the ten town houses located on the eastern
21 side of Baringer Road, which are legally identified as being part of the Jefferson Park
22 Subdivision filed with the East Baton Rouge Parish Clerk of Court.

1 C. Purpose. The purpose of the district shall be to aid in crime prevention,
2 to enhance security within the district, to provide for an increase in security patrols
3 in the district, and to provide for the overall betterment of the district.

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

7 (a) The board of directors of the Old Jefferson Neighborhood Association
8 shall appoint four members.

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

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

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

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

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

22 (b) Members shall be eligible for reappointment.

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

28 (5) The board shall elect from its members a chairman, a vice chairman, a
29 secretary, a treasurer, and such other officers as it deems necessary. The duties of
30 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 an official action of the board requires the favorable
 15 vote of a majority of those members present and voting. All members of the board
 16 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 or enhance security patrols in the district, to provide for
 27 improved lighting, signage, or matters relating to the security of the district, to
 28 provide for the beautification of and improvement to the district, and to provide
 29 generally for the overall betterment of the district.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (6) To enter into contracts and agreements with one or more other districts
2 for the joint security, 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.

19 (b) For purposes of this Section, a parcel shall be defined as a lot, a
20 subdivided portion of ground, or an individual tract within filings of Old Jefferson
21 Subdivision, and which is listed on the tax rolls for assessment of property taxes. The
22 owner of the parcel shall be responsible for payment of the fee.

23 (2)(a) The amount of the fee shall be as provided in a duly adopted
24 resolution of the board. The fee shall be a flat fee per parcel not to exceed one
25 hundred fifty dollars per year for each parcel; however, the initial fee for the first
26 calendar year shall not exceed one hundred dollars per parcel.

27 (b) The board may increase the fee one time during each subsequent calendar
28 year not to exceed five percent of the amount of the fee imposed during the previous
29 calendar year; however, the amount of the fee shall not exceed the maximum amount
30 authorized in Subparagraph (a) of this Paragraph.

1 ~~(c) Notwithstanding the provisions of Subparagraphs (a) and (b) of this~~
2 ~~Paragraph, owners who have been granted the Louisiana Special Assessment Level~~
3 ~~pursuant to Article VII, Section 18(G)(1) of the Constitution of Louisiana shall be~~
4 ~~charged fifty percent of the parcel fee charged to other owners.~~

5 ~~(d) No fee may be imposed or increased pursuant to the provisions of this~~
6 ~~Subsection unless the question of its imposition and the board's authority to increase~~
7 ~~the fee has been approved by a majority of the registered voters of the district who~~
8 ~~vote on the proposition at an election held for that purpose in accordance with the~~
9 ~~Louisiana Election Code.~~

10 ~~(e) If approved, the fee and the board's authority to increase the fee shall~~
11 ~~expire in ten years, but the fee and the board's authority to increase the fee may be~~
12 ~~renewed if approved by a majority of the registered voters of the district voting on~~
13 ~~the proposition at an election as provided in Subparagraph (d) of this Paragraph. If~~
14 ~~the fee and board's authority to increase the fee is renewed, the term of the~~
15 ~~imposition of the fee shall be as provided in the proposition authorizing such~~
16 ~~renewal, not to exceed ten years.~~

17 ~~(3) The fee shall be collected at the same time and in the same manner as ad~~
18 ~~valorem taxes are collected for East Baton Rouge Parish. The tax collector shall~~
19 ~~collect and remit to the district all amounts collected not more than sixty days after~~
20 ~~collection; however, the district may enter into an agreement with the tax collector~~
21 ~~to authorize retention of an annual collection fee, not to exceed one percent of the~~
22 ~~amount collected.~~

23 ~~(4) Any parcel fee which is unpaid shall be added to the tax rolls of East~~
24 ~~Baton Rouge Parish and shall be enforced with the same authority and subject to the~~
25 ~~same penalties and procedures as unpaid ad valorem taxes.~~

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

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

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

3 I. Miscellaneous provisions. (1) It is the purpose and intent of this Section
4 that any additional law enforcement personnel and services provided for through the
5 fees authorized in this Section shall be supplemental to, and not in lieu of, personnel
6 and services to be provided in the district by publicly funded law enforcement
7 agencies.

8 (2) If the district ceases to exist, any funds, equipment, and property of the
9 district shall be transmitted to the governing authority of the municipality in which
10 the district is located if the district was located within the boundaries of an
11 incorporated area or to the governing authority of the parish of East Baton Rouge if
12 the district was not located within the boundaries of an incorporated area and shall
13 be used only within the district for the purposes set forth in this Section.

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

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

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

25 (b) Any transaction from which he or she derived an improper personal
26 benefit.

27 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
28 9:2792.1 through 2792.9, a person serving the district as a board member or officer
29 shall not be individually liable for any act or omission arising out of the performance
30 of his duties.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____