

2025 Regular Session

HOUSE BILL NO. 282

BY REPRESENTATIVE MCMAKIN

1 AN ACT

2 To enact R.S. 33:9097.50, 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; to provide for effectiveness; and
7 to provide for related matters.

8 Notice of intention to introduce this Act has been published
9 as provided by Article III, Section 13 of the Constitution of
10 Louisiana.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:9097.50 is hereby enacted to read as follows:

13 §9097.50. Cypress Point Improvement District

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

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

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

3 D.(1) The district shall be governed by a seven-member board of
4 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. The district, acting through its board, shall have the following powers and
19 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 improvements to drainage and sewer systems within the
27 district, to provide for the beautification of and improvement to the district, and to
28 provide generally for the overall betterment of the district.

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

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

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

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

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

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

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

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

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

25 (b) The fee shall be imposed only after the question of its imposition has
26 been approved by a majority of the registered voters of the district voting on the
27 proposition at an election held for that purpose in accordance with the Louisiana
28 Election Code. Any elections held by the district pursuant to this Section shall be
29 held on a date that corresponds with an election provided by R.S. 18:402(A)(1) or
30 (B)(1).

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

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

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

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

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

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

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

24 I. If the district ceases to exist, any funds of the district shall be transmitted
25 to the governing authority of East Baton Rouge Parish and shall be used for the
26 beautification of and improvements to the area which comprised the district.

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

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

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

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

9 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
 10 9:2792.1 through 2792.9, a person serving the district as a board member or officer
 11 shall not be individually liable for any act or omission arising out of the performance
 12 of his duties.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____