

2023 Regular Session

SENATE BILL NO. 231

BY SENATOR BARROW

SPECIAL DISTRICTS. Provides relative to the creation of the Mickens Place Crime Prevention and Improvement District in East Baton Rouge Parish. (8/1/23)

1 AN ACT
2 To enact R.S. 33:9097.37, relative to East Baton Rouge Parish; to create the Mickens Place
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 authority to impose a parcel fee within the district,
6 subject to voter approval; to provide for an effective date; and to provide for related
7 matters.

8 Notice of intention to introduce this Act has been published.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:9097.37 is hereby enacted to read as follows:

11 **§9097.37. Mickens Place Crime Prevention and Improvement District**

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

1 **B. Boundaries. The boundaries of the district are coterminous with the**
2 **boundaries of the Mickens Place Subdivision as established in the official**
3 **subdivision plat filed with the clerk of court for East Baton Rouge Parish.**

4 **C. Purpose. The purpose of the district is to aid in crime prevention and**
5 **to add to the security of the district residents by providing for an increase in the**
6 **presence of law enforcement personnel in the district and to add to the overall**
7 **betterment of the district by providing for beautification and other**
8 **improvements within the district.**

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

12 **(a) The president of the Mickens Place Homeowners Association.**

13 **(b) The board of directors of the Mickens Place Homeowners Association**
14 **shall appoint one member.**

15 **(c) The member of the Louisiana House of Representatives whose district**
16 **encompasses all or the greater portion of the area of the district shall appoint**
17 **one member.**

18 **(d) The member of the Louisiana Senate whose district encompasses all**
19 **or the greater portion of the area of the district shall appoint one member.**

20 **(e) The member of the governing authority of the city of Baton Rouge,**
21 **parish of East Baton Rouge whose district encompasses all or the greater**
22 **portion of the area of the district shall appoint one member.**

23 **(f) The assessor for the parish of East Baton Rouge shall appoint one**
24 **member.**

25 **(g) The mayor-president for the city of Baton Rouge, parish of East**
26 **Baton Rouge, shall appoint one member.**

27 **(2) All members of the board shall be residents and qualified voters**
28 **within the district.**

29 **(3)(a) Members appointed pursuant to Subparagraphs (1)(b) through (g)**

1 of this Subsection shall serve three-year terms after initial terms as provided in
2 Subparagraph (b) of this Paragraph. Vacancies resulting from the expiration
3 of a term or any other reason shall be filled in the manner of the original
4 appointment. Members shall be eligible for reappointment.

5 (b) Two members shall serve an initial term of one year; two shall serve
6 two years; and two shall serve three years as determined by lot at the first
7 meeting of the board.

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

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

13 (4) The secretary of the board shall maintain the minute books and
14 archives of the district. The monies, funds, and accounts of the district shall be
15 in the official custody of the board.

16 (5) The board shall adopt such bylaws as it deems necessary or advisable
17 for conducting its business affairs. Rules and regulations of the board relative
18 to the notice and conduct of meetings shall conform to applicable law, including,
19 if applicable, the Open Meetings Law. The board shall hold regular meetings
20 as provided for in the bylaws and may hold special meetings at times and places
21 within the district as prescribed in the bylaws.

22 (6) A majority of the members of the board shall constitute a quorum for
23 the transaction of business. The board shall keep minutes of all meetings and
24 shall make them available through the secretary of the board.

25 (7) The members of the board shall serve without compensation but shall
26 be reimbursed for their reasonable out-of-pocket expenses directly related to
27 the governance of the district.

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

1 **(1) To sue and be sued.**

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

3 **(3) To receive and expend funds collected pursuant to Subsection F of**
4 **this Section and in accordance with a budget adopted as provided by Subsection**
5 **H of this Section.**

6 **(4) To enter into contracts with individuals or entities, private or public,**
7 **for the provision of security patrols, improvement, or other programs in the**
8 **district.**

9 **(5) To provide or enhance security patrols in the district; to provide for**
10 **improved lighting, signage, or matters relating to the security of the district;**
11 **and to provide for improvements in the district; and to provide generally for the**
12 **overall betterment of the district.**

13 **(6) To purchase, lease, rent, or otherwise acquire items, supplies, and**
14 **services necessary or deemed appropriate for achieving any purpose of the**
15 **district.**

16 **(7) To accept private grants and donations.**

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

21 **F. Parcel fee. The district may impose and collect a parcel fee within the**
22 **district subject to and in accordance with the provisions of this Subsection.**

23 **(1) The fee shall be imposed by duly adopted resolution of the board. The**
24 **fee shall be a flat fee not to exceed one hundred dollars per parcel per year.**

25 **(2) The fee shall be imposed on each improved and unimproved parcel**
26 **located within the district. The owner of the parcel shall be responsible for**
27 **payment of the fee.**

28 **(3) For purposes of this Section, "parcel" means a lot, a subdivided**
29 **portion of ground, an individual tract, or a "condominium parcel" as defined**

1 in R.S. 9:1121.103.

2 (4) The fee shall be imposed only after its imposition has been approved
3 by a majority of the registered voters of the district voting on the proposition
4 at an election held for that purpose in accordance with the Louisiana Election
5 Code.

6 (5) The term of the imposition of the fee shall be as provided in the
7 proposition authorizing the fee, not to exceed ten years. The fee may be renewed
8 if the renewal is approved by the voters in the manner provided in Paragraph
9 (4) of this Subsection. If renewed, the term of the imposition of the fee shall be
10 as provided in the proposition authorizing such renewal, not to exceed ten years.

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

17 (7) 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
19 to the 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 its purposes.

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

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

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

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

3 (2) If the district ceases to exist, any funds of the district shall be
4 transmitted to the governing authority of the city of Baton Rouge, parish of East
5 Baton Rouge, and shall be used for law enforcement purposes in the area which
6 comprised the 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
9 fully as if the district were a nonprofit corporation governed thereby, and as
10 may be provided in the district's bylaws.

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by James Benton.

SB 231 Original

DIGEST
2023 Regular Session

Barrow

Proposed law creates the Mickens Place Crime Prevention and Improvement District in East Baton Rouge Parish as a political subdivision of the state for the purpose of aiding in crime prevention and providing for the overall betterment of the district. Provides for the district boundaries to be coterminous with the boundaries of the Mickens Place Subdivision. Provides that the district will be governed by a seven-member board of commissioners composed as follows:

- (1) The president of the Mickens Place Homeowners Association (association).
- (2) The board of directors of the Mickens Place Homeowners Association shall appoint one member.
- (3) 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.
- (4) One member appointed by the member of the La. Senate whose district encompasses all or the greater portion of the area of the district.
- (5) One member appointed by the member of the governing authority of the city of Baton Rouge, parish of East Baton Rouge whose district encompasses all or the greater portion of the area of the district.
- (6) One member appointed by the assessor for East Baton Rouge Parish.
- (7) The mayor-president for the city of Baton Rouge, parish of East Baton Rouge, shall appoint one member.

Proposed law provides that all members of the board shall be residents and qualified voters within the district.

Proposed law provides that vacancies resulting from the expiration of a term or any other reason shall be filled in the manner of the original appointment and that members shall be eligible for reappointment.

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 from an authorized parcel fee and in accordance with an adopted budget.
- (4) To enter into contracts with individuals or entities, private or public.
- (5) To provide or enhance security patrols in the district and to provide for improved lighting, signage, or matters relating to the security of the district.
- (6) To purchase, lease, rent, or otherwise acquire items, supplies, and services necessary to achieve any purpose of the district.
- (7) To accept private grants and donations.
- (8) To procure and maintain liability insurance against any personal or legal liability of a board member.

Proposed law authorizes the district, subject to voter approval, to impose and collect a parcel fee on each improved and unimproved parcel within the district. Provides that the amount of the fee will be in a duly adopted resolution of the board and will not exceed \$100 per year.

Proposed law provides that the term of the fee expires at the time provided in the proposition authorizing the fee, not to exceed 10 years, but authorizes renewal of the fee for a term not to exceed 10 years, also subject to voter approval. Defines "parcel" as a lot, a subdivided portion of ground, an individual tract, or a "condominium parcel" as defined in present law.

Proposed law provides that the fee will be collected in the same manner and at the same time as ad valorem taxes and that any unpaid fee will 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, and 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 will be subject to audit by the legislative auditor.

Proposed law provides that it is the purpose and intent of proposed law that the additional law enforcement personnel and their services provided for through the fees authorized by proposed law will 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 will be transmitted to the city-parish to be used for law enforcement purposes in the area which comprised the district.

Effective August 1, 2023.

(Adds R.S. 33:9097.37)