

SENATE BILL NO. 231

BY SENATOR BARROW

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

AN ACT

To enact R.S. 33:9097.37, relative to East Baton Rouge Parish; to create the Glen Oaks Area Crime Prevention and Improvement District; to provide relative to the boundaries, purpose, governance, and powers and duties of the district; to provide relative to district funding, including the authority to impose a parcel fee within the district, subject to voter approval; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

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

**§9097.37. Glen Oaks Area Crime Prevention and Improvement District**

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

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

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

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

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

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

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

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

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

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

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

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

21                   **(3)(a) Members appointed pursuant to Subparagraphs (1)(b) through (g)**  
22                   **of this Subsection shall serve three-year terms after initial terms as provided in**  
23                   **Subparagraph (b) of this Paragraph. Vacancies resulting from the expiration**  
24                   **of a term or any other reason shall be filled in the manner of the original**  
25                   **appointment. Members shall be eligible for reappointment.**

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

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

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

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

7           (6) The board shall adopt such bylaws as it deems necessary or advisable  
8           for conducting its business affairs. Rules and regulations of the board relative  
9           to the notice and conduct of meetings shall conform to applicable law, including,  
10          if applicable, the Open Meetings Law. The board shall hold regular meetings  
11          as provided for in the bylaws and may hold special meetings at times and places  
12          within the district as prescribed in the bylaws.

13          (7) A majority of the members of the board shall constitute a quorum for  
14          the transaction of business. The board shall keep minutes of all meetings and  
15          shall make them available through the secretary of the board.

16          (8) The members of the board shall serve without compensation but shall  
17          be reimbursed for their reasonable out-of-pocket expenses directly related to  
18          the governance of the district.

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

21               (1) To sue and be sued.

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

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

26               (4) To enter into contracts with individuals or entities, private or public,  
27               for the provision of security patrols, improvement, or other programs in the  
28               district.

29               (5) To provide or enhance security patrols in the district; to provide for  
30               improved lighting, signage, or matters relating to the security of the district;

1 and to provide for improvements in the district; and to provide generally for the  
2 overall betterment of the district.

3 (6) To purchase, lease, rent, or otherwise acquire items, supplies, and  
4 services necessary or deemed appropriate for achieving any purpose of the  
5 district.

6 (7) To accept private grants and donations.

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

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

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

15 (2) 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  
17 payment of the fee.

18 (3) For purposes of this Section, "parcel" means a lot, a subdivided  
19 portion of ground, an individual tract, or a "condominium parcel" as defined  
20 in R.S. 9:1121.103.

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

25 (5) The term of the imposition of the fee shall be as provided in the  
26 proposition authorizing the fee, not to exceed ten years. The fee may be renewed  
27 if the renewal is approved by the voters in the manner provided in Paragraph  
28 (4) of this Subsection. If renewed, the term of the imposition of the fee shall be  
29 as provided in the proposition authorizing such renewal, not to exceed ten years.

30 (6) The fee shall be collected at the same time and in the same manner

1 as ad valorem taxes are collected for East Baton Rouge Parish. The tax collector  
2 shall collect and remit to the district all amounts collected not more than sixty  
3 days after collection; however, the district may enter into an agreement with the  
4 tax collector to authorize the retention of an annual collection fee, not to exceed  
5 one percent of the amount collected.

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

9 G. Additional contributions. The district may solicit, accept, and expend  
10 additional voluntary contributions and grants to carry out its purposes.

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

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

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

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

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

29 (2) No board member or officer shall be liable to the district or to any  
30 individual who resides, owns property, visits, or otherwise conducts business in

1 the district for monetary damages, for breach of his duties as a board member  
2 or officer, provided that this provision shall not eliminate or limit the liability  
3 of a board member or officer for any of the following:

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

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

7 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.  
8 9:2792.1 through 2792.9, a person serving the district as a board member or  
9 officer shall not be individually liable for any act or omission arising out of the  
10 performance of his duties.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_