

Regular Session, 2011

SENATE BILL NO. 199

BY SENATOR CLAITOR

SPECIAL DISTRICTS. Provides for the creation of the Jefferson Place/Bocage Crime Prevention and Improvement District. (8/15/11)

1 AN ACT  
2 To enact R.S. 33:9097.12, relative to crime prevention districts; to create the Jefferson  
3 Place/Bocage Crime Prevention and Improvement District in East Baton Rouge  
4 Parish; to provide for the powers and duties of the district and its board of  
5 commissioners; to provide for a parcel fee; to provide with respect to termination of  
6 the district; and to provide for related matters.

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

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:9097.12 is hereby enacted to read as follows:

10 **§9097.12. Jefferson Place/Bocage Crime Prevention and Improvement District**

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

17 **B. Boundaries. The boundaries of the district shall be the areas as**

1 established in the official subdivision plat filed with the clerk of court of East  
2 Baton Rouge Parish for the subdivisions of Bocage, Bocage Estates, Filings 1  
3 through 5 of Jefferson Place, and The Cloisters.

4 C. Purpose. The district is established for the purpose of promoting and  
5 encouraging security in the area included within the district and promoting and  
6 encouraging the beautification and overall betterment of the district.

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

10 (a) The president of the Jefferson Place/Bocage Homeowners'  
11 Association, referred to in this Section as the "association".

12 (b) The board of directors of the association shall appoint four members.

13 (c) The mayor-president of East Baton Rouge Parish shall appoint one  
14 member from a list of nominations submitted by the association.

15 (d) The member of the governing authority of East Baton Rouge Parish  
16 whose council district encompasses all or the greater portion of the area of the  
17 district shall appoint one member from a list of nominations submitted by the  
18 association.

19 (e) The member of the Louisiana House of Representatives whose district  
20 encompasses all or the greater portion of the area of the district shall appoint  
21 one member.

22 (f) The member of the Louisiana Senate whose district encompasses all  
23 or the greater portion of the area of the district shall appoint one member.

24 (2) All members of the board shall be residents of the district.

25 (3)(a) Board members serving pursuant to Subparagraphs (1)(b) through  
26 (f) of this Subsection shall serve four-year terms after initial terms as provided  
27 in this Subparagraph. Two members shall serve initial terms of one year; two  
28 shall serve initial terms of two years; two shall serve initial terms of three years;  
29 and two shall serve initial terms of four years, as determined by lot at the first

1 meeting of the board.

2 (b) The member serving pursuant to Subparagraph (1)(a) of this  
3 Subsection shall serve during his term of office as president of the association.

4 (c) Any vacancy which occurs prior to the expiration of the term for  
5 which a member of the board has been appointed shall be filled for the  
6 remainder of the unexpired term in the same manner as the original  
7 appointment. Board members shall be eligible for reappointment.

8 (4) The board shall elect from its members a chairman, a vice chairman,  
9 a secretary, a treasurer, and such other officers as it may deem necessary. The  
10 duties of the officers shall be fixed by the bylaws adopted by the board.

11 (5) The minute books and archives of the district shall be maintained by  
12 the secretary of the board. The monies, funds, and accounts of the district shall  
13 be in the official custody of the board.

14 (6) The board shall adopt such rules and regulations as it deems  
15 necessary or advisable for conducting its business affairs. Rules and regulations  
16 of the board relative to the notice and conduct of meetings shall conform to  
17 applicable law, including, if applicable, R.S. 42:11 et seq., relative to open  
18 meetings. The board shall hold regular meetings as shall be provided for in the  
19 bylaws and may hold special meetings at such times and places within the  
20 district as may be prescribed in the bylaws.

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

24 (8) Each member of the board shall have one vote, and the vote of a  
25 majority of the members of the board present and voting, a quorum being  
26 present, shall be required to decide any question upon which the board takes  
27 action.

28 (9) The members of the board shall serve without compensation but shall  
29 be reimbursed for their reasonable out-of-pocket expenses directly related to

1 the governance of the district, not to exceed one hundred dollars per year.

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

4 (1) To sue and be sued.

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

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

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

10 (5) To provide or enhance security patrols in the district, to provide for  
11 improved lighting, signage, or matters relating to the security of the district.

12 (6) To enter into contracts and agreements with one or more other  
13 districts for the joint security of all participating districts.

14 (7) To provide for such services and make such expenditures as the  
15 board deems proper for the security of the district.

16 (8) To acquire or lease items and supplies which the board deems  
17 instrumental to achieving the purposes of the district.

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

22 (10) To perform or have performed any other function or activity  
23 necessary or appropriate to carry out the purposes of the district.

24 F. Parcel fee. The governing authority of East Baton Rouge Parish is  
25 hereby authorized to impose and collect a parcel fee within the district subject  
26 to and in accordance with the provisions of this Subsection.

27 (1) The amount of the fee shall be as requested by duly adopted  
28 resolution of the board. The fee shall be a flat fee per improved parcel of land  
29 not to exceed five hundred and forty dollars per year for each improved parcel,

1 starting with five hundred dollars for the first calendar year.

2 (2) The fee shall be imposed on each improved parcel located within the  
3 district except as provided in Paragraph (4) of this Subsection.

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

7 (b) The owner of each parcel shall be responsible for payment of the fee.

8 (3)(a)(i) The fee of five hundred dollars for the first calendar year,  
9 subject to change thereafter by duly adopted resolution of the board, not to  
10 exceed the maximum amount authorized as provided in this Subsection, shall  
11 be imposed only after the question of its imposition and the board's authority  
12 to increase the fee has been approved by a majority of the registered voters of  
13 the district who vote on the proposition at an election held for that purpose in  
14 accordance with the Louisiana Election Code.

15 (ii) No other election shall be required except as provided by this  
16 Paragraph.

17 (b) The initial election on the question of the imposition of the fee shall  
18 be held at the same time as a regularly scheduled election in East Baton Rouge  
19 Parish.

20 (c) If approved, the fee and the board's authority to increase it shall  
21 expire in ten years, but the fee and board authority may be renewed if approved  
22 by a majority of the registered voters of the district voting on the proposition  
23 at an election as provided in Subparagraph (a) of this Paragraph. Any election  
24 to authorize the renewal of the fee shall be held only at the same time as the  
25 regular scheduled election for East Baton Rouge Parish that includes an  
26 unrelated ballot for the district. If the fee and board authority is renewed, the  
27 term of the imposition of the fee shall be as provided in the proposition  
28 authorizing such renewal, not to exceed eight years.

29 (4) No fee shall be imposed upon any parcel whose owner qualifies for

1 and receives the special assessment level provided by Article VII, Section  
2 18(G)(1) of the Constitution of Louisiana.

3 (5) The fee shall be collected at the same time and in the same manner  
4 as ad valorem taxes on property subject to taxation by East Baton Rouge Parish  
5 are collected.

6 (6) 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 (7)(a) The proceeds of the fee shall be used solely and exclusively for the  
10 purpose and benefit of the district; however, the East Baton Rouge Parish  
11 Sheriff may retain one percent of the amount collected as a collection fee.

12 (b) The East Baton Rouge Parish Sheriff shall remit to the district all  
13 amounts collected not more than sixty days after collection.

14 G. Additional contributions. The district is authorized to solicit and  
15 accept additional voluntary contributions and grants to further the purposes of  
16 the district.

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

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

21 I. Miscellaneous. It is the purpose and intent of this Section that any  
22 additional security patrols, public or private, or any other security or other  
23 services or betterments provided by the district shall be supplemental to and not  
24 be in lieu of personnel and services to be provided in the district by the state of  
25 Louisiana, East Baton Rouge Parish, or their departments or agencies or by  
26 other political subdivisions.

27 J. Dissolution. (1) The district may be dissolved without the vote of the  
28 registered voters of the district if a majority of the area covered by the district  
29 becomes included in another district that serves similar purposes but includes

1 additional parcels of property adjacent to the district, if approved by the  
2 affirmative vote of not less than five members of the board. If the district is  
3 dissolved in accordance with this Paragraph, the funds of the district that relate  
4 to the portion of the district that is included in the new district, together with  
5 any other funds collected by the parish of East Baton Rouge pursuant to this  
6 Section that relate to such portion of the district, shall be transferred to the new  
7 district to be used for purposes of the new district. The remaining portion of  
8 funds, if any, shall be transmitted by the board in equal parts to the state of  
9 Louisiana and to the parish of East Baton Rouge and such funds shall be used  
10 only for law enforcement purposes of the area that was formerly within the  
11 district but is not included in the new district.

12 (2) If the district is dissolved pursuant to Paragraph (1) of this  
13 Subsection, the authority for the imposition of the parcel fee provided in  
14 Subsection F of this Section shall cease.

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

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

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

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

28 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.  
29 9:2792.1 through 2792.9, a person serving the district as a board member or

1            **officer shall not be individually liable for any act or omission arising out of the**  
2            **performance of his duties.**

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

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#### DIGEST

Claitor (SB 199)

Proposed law provides for the creation of the Jefferson Place/Bocage Crime Prevention and Improvement District, hereinafter referred to as the "district", in East Baton Rouge Parish (EBR). The district shall be a political subdivision of the state as defined in the Constitution of Louisiana.

Proposed law provides that the purpose of the district is for promoting and encouraging security in the area included within the district and promoting and encouraging the beautification and overall betterment of the district.

Proposed law provides that the district is governed by a 9-member board of commissioners composed as follows:

- (1) The president of the Jefferson Place/Bocage Homeowners Association.
- (2) Four members appointed by the board of directors of the association.
- (3) One appointed by the mayor-president of EBR from a list of nominations submitted by the association.
- (4) One member appointed by the member of the governing authority of EBR whose council district encompasses all or the greater portion of the area of the district from a list of nominations submitted by the association.
- (5) One member appointed by the member of the Louisiana House of Representatives whose district encompasses all or the greater portion of the area of the district.
- (6) One member appointed by the member of the Louisiana Senate whose district encompasses all or the greater portion of the area of the district.

Proposed law provides that all members of the board must be residents of the district. They serve 4-year terms except for the president of the association who is ex officio. Two members serve initial terms of one year; two serve initial terms of 2 years; two serve initial terms of 3 years; and two serve initial terms of 4 years, as determined by lot at the first meeting of the board. Board members are eligible for reappointment. The members serve without compensation but must be reimbursed for their reasonable out-of-pocket expenses directly related to the governance of the district, not to exceed \$100 per year. The board must adopt such rules and regulations as it deems necessary or advisable for conducting its business affairs. Rules and regulations of the board relative to the notice and conduct of meetings must conform to applicable law, relative to open meetings. It must hold regular meetings as must be provided for in the bylaws and may hold special meetings at such times and places within the district as may be prescribed in the bylaws.

Proposed law grants the district, acting through its board, the authority to perform or have performed any function or activity necessary or appropriate to carry out the purposes of the district.

Proposed law provides that the governing authority of EBR Parish is authorized to impose



and collect a parcel fee within the district in an amount that is requested by the board. The fee must be a flat fee per "improved parcel" of land not to exceed \$540 per year for each improved parcel. Requires that the fee be approved by the voters prior to being imposed.

Proposed law provides that no fee can be imposed upon any parcel whose owner qualifies for and receives the special assessment level provided by present constitution. The fee is collected at the same time and in the same manner as property taxes. The proceeds of the fee must be used solely and exclusively for the purpose and benefit of the district; however, the EBR sheriff may retain 1% of the amount collected as a collection fee.

Proposed law requires the board to adopt an annual budget in accordance with present law, and the district is subject to audit by the legislative auditor.

Proposed law authorizes the dissolution of the district if a majority of the area covered by the district becomes included in another district that serves similar purposes but includes additional parcels of property adjacent to the district, if approved by the affirmative vote of not less than five members of the board. If the district is so dissolved, the funds of the district that relate to the portion of the district that is included in the new district, together with any other funds collected by EBR that relate to such portion of the district, must be transferred to the new district to be used for purposes of the new district. The remaining portion of funds, if any, are to be transmitted by the board in equal parts to the state and to EBR Parish and such funds must be used only for law enforcement of the area that was formerly within the district but is not included in the new district. If the district is dissolved, authority for the imposition of the parcel fee ceases.

Proposed law requires the district to indemnify its officers and board members to the fullest extent permitted by present law, as fully as if the district were a nonprofit corporation governed thereby, and as may be provided in the district's bylaws. Protects board members or officers from liability for monetary damages for breach of his duty to any individual who resides, owns property, visits, or otherwise conducts business in the district, except in certain circumstances.

Effective August 15, 2011.

(Adds R.S. 33:9097.12)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill.

1. Makes changes to the name and purpose of the district.
2. Makes changes to the boundaries of the district.
3. Changes the maximum amount of the district's parcel fee from \$500 to \$540.