

SENATE BILL NO. 199

BY SENATOR CLAITOR

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AN ACT

To enact R.S. 33:9097.12, relative to crime prevention districts; to create the Jefferson Place/Bocage Crime Prevention and Improvement District in East Baton Rouge Parish; to provide for the powers and duties of the district and its board of commissioners; to provide for a parcel fee; to provide with respect to termination of the district; 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. 33:9097.12 is hereby enacted to read as follows:

§9097.12. Jefferson Place/Bocage 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 Jefferson Place/Bocage Crime Prevention and Improvement District, hereinafter referred to 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 shall be the areas as established in the official subdivision plat filed with the clerk of court of East Baton Rouge Parish for the subdivisions of Bocage, Bocage Estates, Filings 1 through 5 of Jefferson Place, and The Cloisters.

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

D. Governance. (1) The district shall be governed by a nine-member

1 board of commissioners, referred to in this Section as the "board". The board
2 shall be composed as follows:

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

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

6 (c) The mayor-president of East Baton Rouge Parish shall appoint one
7 member from a list of nominations submitted by the association within thirty
8 days of receipt of the list.

9 (d) The member of the governing authority of East Baton Rouge Parish
10 whose council district encompasses all or the greater portion of the area of the
11 district shall appoint one member from a list of nominations submitted by the
12 association within thirty days of receipt of the list.

13 (e) The member of the Louisiana House of Representatives whose district
14 encompasses all or the greater portion of the area of the district shall appoint
15 one member.

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

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

19 (3)(a) Board members serving pursuant to Subparagraphs (1)(c)
20 through (f) of this Subsection shall serve four-year terms after serving initial
21 terms of four years.

22 (b) Board members serving pursuant to Subparagraph (1)(b) of this
23 Subsection shall serve four-year terms after serving initial terms as provided in
24 this Subparagraph. Two members shall serve an initial term of two years and
25 two members shall serve an initial term of three years as determined by a
26 majority vote of the members appointed pursuant to Subparagraph (1)(b) of
27 this Subsection or by lot at the first meeting of the board following the
28 appointments.

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

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

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

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

11 (6) The board shall adopt such bylaws as it deems necessary or advisable
12 for conducting its business affairs. The bylaws of the board may provide
13 relative to the publication of meeting notices and conduct of meetings. The
14 board shall hold regular meetings open to the public as shall be provided for in
15 the bylaws and may hold special meetings at such times and places within East
16 Baton Rouge Parish as may be prescribed in the bylaws. Notwithstanding any
17 other provision of law to the contrary, the district, through the board, shall give
18 notice of meetings by posting the meeting agenda at all entrances and exits to
19 Bocage subdivision at least twenty-four hours prior to the meeting and may
20 publish the meeting proceedings on the district website or in a newsletter
21 regularly distributed to district property owners.

22 (7) 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 (8) Each member of the board shall have one vote, and the vote of a
26 majority of the members of the board present and voting, a quorum being
27 present, shall be required to decide any question upon which the board takes
28 action.

29 (9) The members of the board shall serve without compensation but shall
30 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 district, through the board, is hereby authorized to
25 impose and collect a parcel fee within the district subject to and in accordance
26 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,
30 starting with five hundred dollars for the first calendar year.

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

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

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

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

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

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

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

27 **(4) No fee shall be imposed upon any parcel whose owner qualifies for**
28 **and receives the special assessment level provided by Article VII, Section**
29 **18(G)(1) of the Constitution of Louisiana.**

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

1 as ad valorem taxes on property subject to taxation by East Baton Rouge Parish
2 are collected.

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

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

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

11 G. Additional contributions. The district is authorized to solicit and
12 accept additional voluntary contributions and grants to further the purposes of
13 the district.

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

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

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

24 J. Dissolution. (1) The district may be dissolved without the vote of the
25 registered voters of the district if a majority of the area covered by the district
26 becomes included in another district that serves similar purposes but includes
27 additional parcels of property adjacent to the district, if approved by the
28 affirmative vote of not less than five members of the board. If the district is
29 dissolved in accordance with this Paragraph, the funds of the district that relate
30 to the portion of the district that is included in the new district, together with

1 any other funds collected by the parish of East Baton Rouge pursuant to this
 2 Section that relate to such portion of the district, shall be transferred to the new
 3 district to be used for purposes of the new district. The remaining portion of
 4 funds, if any, shall be transmitted by the board in equal parts to the state of
 5 Louisiana and to the parish of East Baton Rouge and such funds shall be used
 6 only for law enforcement purposes of the area that was formerly within the
 7 district but is not included in the new district.

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

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

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

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

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

24 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
 25 9:2792.1 through 2792.9, a person serving the district as a board member or
 26 officer shall not be individually liable for any act or omission arising out of the
 27 performance of his duties.

28 Section 2. This Act shall become effective upon signature by the governor or, if not
 29 signed by the governor, upon expiration of the time for bills to become law without signature
 30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____