

Regular Session, 2012

HOUSE BILL NO. 107

BY REPRESENTATIVE RICHARDSON

DISTRICTS/NEIGHBORHOOD: Creates the Hampton Village Crime Prevention and Improvement District within East Baton Rouge Parish

1 AN ACT

2 To enact R.S. 33:9097.13, relative to East Baton Rouge Parish; to create the Hampton
3 Village Crime Prevention and Improvement District within the parish; to provide
4 relative to the purpose, governance, and powers and duties of the district; to provide
5 for the imposition of a parcel fee and for the use thereof; and to provide for related
6 matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:9097.13 is hereby enacted to read as follows:

12 §9097.13. Hampton Village Crime Prevention and Improvement District

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

18 B. Boundaries. The boundaries of the district shall be coterminous with the
19 boundaries of the Hampton Village Estates Subdivision, Filings 1 through 4, in East
20 Baton Rouge Parish as established in the official subdivision plats filed with the

1 clerk of court of East Baton Rouge Parish; however, the district shall not include any
2 property listed as an X or W lot located on Joor Road.

3 C. Purpose. The district is established for the primary object and purpose of
4 promoting and encouraging the beautification, security, and overall betterment of the
5 district.

6 D. Governance. (1) The district shall be governed by a board of
7 commissioners, referred to in this Section as the "board", consisting of seven
8 members as follows:

9 (a) The president of the Hampton Village Estates Homeowners Association,
10 Inc., or its successor.

11 (b) One member appointed by the board of directors of the Hampton Village
12 Estates Homeowners Association, Inc., or its successor.

13 (c) One member appointed by the member of the Louisiana House of
14 Representatives whose district encompasses all or the greater portion of the area of
15 the district.

16 (d) One member appointed by the member of the Louisiana Senate whose
17 district encompasses all or the greater portion of the area of the district.

18 (e) One member appointed by the governing authority of the city of Central.

19 (f) One member appointed by the mayor of the city of Central.

20 (g) One member appointed by the assessor for the parish of East Baton
21 Rouge.

22 (2) All members of the board shall be residents and qualified voters of the
23 district.

24 (3)(a) The terms of the members appointed pursuant to Subparagraphs (1)(c)
25 through (g) of this Subsection shall be concurrent with the respective appointing
26 authority.

27 (b) The member serving pursuant to Subparagraph (1)(b) of this Subsection
28 shall serve a term of two years.

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

3 (4) The members of the board shall select from among themselves a
4 president and such other officers as they deem appropriate.

5 (5) All members of the board shall serve without compensation but may
6 receive reimbursement for approved and receipted expenses directly related to the
7 governance of the district.

8 (6) The domicile of the board shall be within the district.

9 (7) The board is authorized to adopt bylaws for its governance and conduct.

10 (8) The board shall hold regular meetings as provided for in its bylaws and
11 may hold special meetings at such times and places within the district as provided
12 in the bylaws.

13 (9) The board shall keep minutes of all meetings.

14 (10) A majority of the board shall constitute a quorum for conducting
15 business of the board.

16 (11) Any board member who misses four meetings shall be disqualified and
17 removed automatically from office.

18 (12) Vacancies shall be filled in the manner of the original appointment. A
19 member shall be eligible for reappointment unless he was removed pursuant to
20 Paragraph (11) of this Subsection.

21 E. Powers and duties. The district, acting through its board of
22 commissioners, shall have the following powers and duties:

23 (1) To sue and be sued.

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

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

28 (4) To accept private grants and donations.

29 (5) To enter into contracts with individuals or entities, private or public.

1 (6) To purchase items and supplies which the board deems instrumental to
2 achieving the purpose of the district.

3 (7) To acquire, lease, insure, and sell immovable property within the
4 boundaries of the district in accordance with district plans.

5 (8) To perform or have performed any other function or activity necessary
6 for the achievement of the purpose of the district.

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

11 F. Parcel fee. The governing authority of the parish of East Baton Rouge
12 may impose and collect a parcel fee within the district subject to and in accordance
13 with the provisions of this Subsection:

14 (1) The amount of the fee shall be as requested by duly adopted resolution
15 of the board. The fee shall be a flat fee per parcel of land not to exceed one hundred
16 twenty-five dollars per parcel per year.

17 (2)(a) The fee shall be levied on each parcel located within the district.

18 (b) For purposes of this Section, "parcel" means a lot, subdivided portion of
19 ground, or an individual tract on which a residential structure is situated. "Parcel"
20 does not include any lot, subdivided portion or ground, or individual tract owned by
21 the subdivision developer as established in the official subdivision Act of
22 Restrictions, Filings 1 through 4, filed with the clerk of court of East Baton Rouge
23 Parish.

24 (c) The owner of the parcel shall be responsible for payment of the fee.

25 (3)(a) 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 a regularly scheduled primary or general election held for that purpose
28 in accordance with the Louisiana Election Code. At least thirty days prior to any
29 election held to approve the levy of a fee, the board shall mail notification of the

1 upcoming election to each registered voter of the district and to the owner of a parcel
2 if the owner is not a registered voter of the district.

3 (b) Not less than five years after approval of the fee by a majority of the
4 registered voters of the district, the board may increase the amount of the fee one
5 time without an election. The amount of the increase shall be as provided in a duly
6 adopted resolution of the board, not to exceed two hundred fifty dollars per parcel
7 per year.

8 (c) The fee shall expire ten years from its initial levy but may be renewed as
9 provided in Subparagraph (3)(a) of this Subsection. If renewed, the term of the
10 imposition of the fee shall be as provided in the proposition authorizing such
11 renewal, not to exceed ten years.

12 (4) The fee shall be collected at the same time and in the same manner as ad
13 valorem taxes on property subject to taxation by the parish are collected by the
14 sheriff as ex officio tax collector of East Baton Rouge Parish.

15 (5) Any fee shall be added to the tax rolls of the parish and shall be enforced
16 with the same authority and subject to the same penalties and procedures as ad
17 valorem taxes.

18 (6) The sheriff of East Baton Rouge shall remit to the district all amounts
19 collected not more than sixty days after collection; however, the board may enter into
20 an agreement with the sheriff to authorize the sheriff to retain a collection fee.

21 G. Additional contributions. The district is authorized to solicit and accept
22 additional voluntary contributions and grants to further the purposes of the district.

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

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

27 I. Dissolution. (1) The district may be dissolved after the question of its
28 dissolution has been approved by a majority of the registered voters of the district
29 voting on the proposition at a regularly scheduled election conducted in accordance

1 with the provisions of the Louisiana Election Code. The question may be placed on
2 the ballot only after it has been approved by the affirmative vote of not less than five
3 members of the board.

4 (2) If the district ceases to exist:

5 (a) All funds of the district shall be transmitted to the city of Central and
6 shall be used for law enforcement purposes in the area included within the district.

7 (b) The authority for the imposition of the parcel fee provided in this Section
8 shall cease.

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

13 (2) No board member or officer of the district shall be liable to the district
14 or to any individual who resides, owns property, visits, or otherwise conducts
15 business in the district for monetary damages for breach of his duties as a board
16 member or officer; however, this Paragraph does not eliminate or limit the liability
17 of a board member or officer for any of the following:

18 (a) Acts of omission not in good faith or which involve intentional
19 misconduct or a knowing violation of the law.

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

21 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
22 9:2792.1 through 2792.9, a person serving the district as a board member or officer
23 shall not be individually liable for any act or omission arising out of the performance
24 of his duties.

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Richardson

HB No. 107

Abstract: Creates the Hampton Village Crime Prevention and Improvement District in East Baton Rouge Parish for the purpose of promoting and encouraging the beautification, security, and overall betterment of the district. Creates and provides for the district's board of commissioners. Provides for the imposition and use of a parcel fee.

Proposed law creates the Hampton Village Crime Prevention and Improvement District in East Baton Rouge Parish as a political subdivision of the state for the purpose of promoting and encouraging the beautification, security, and overall betterment of the district. Provides for district boundaries.

Proposed law provides that the district is governed by a board of seven commissioners, all of whom shall be residents and qualified voters of the district. Provides that the board is composed as follows:

- (1) The president of the Hampton Village Estates Homeowners Association, Inc., or its successor (association).
- (2) One member appointed by the board of directors of the association.
- (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 governing authority of the city of Central.
- (6) One member appointed by the assessor for East Baton Rouge Parish.
- (7) One member appointed by the mayor of the city of Central.

Proposed law provides that members appointed pursuant to (3) through (7) above serve terms concurrent with the appointing authority. Provides that the member appointed pursuant to (2) above serves a two-year term. Provides that the president shall serve during his term of office. Requires members to serve without compensation but authorizes reimbursement of expenses.

Proposed law provides relative to the powers and duties of the district 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 collected pursuant to proposed law and in accordance with a budget adopted as provided by proposed law.
- (4) To enter contracts.

(5) To acquire property.

Proposed law authorizes the governing authority of East Baton Rouge Parish, subject to voter approval, to impose and collect a parcel fee within the district. Provides that the amount of the fee shall be as requested by duly adopted resolution of the board. Further provides that the fee shall be a flat fee per parcel of land not to exceed \$125 per year. Defines "parcel" as a lot, subdivided portion of ground, or an individual tract on which a residential structure is situated.

Proposed law authorizes the board, not less than five years after the approval of the imposition of the fee, to increase the amount of the fee one time without election. Provides that the amount of the fee shall be as provided in a duly adopted resolution of the board and shall not exceed \$250 per parcel per year.

Proposed law provides that the fee shall expire 10 years from initial levy, but may be renewed. Proposed law provides that if the fee is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed 10 years.

Proposed law provides that the fee shall be collected in the same manner and at the same time as ad valorem taxes are collected. Provides that any fee shall be added to the tax rolls of the parish and shall be enforced with the same authority and subject to the same penalties and procedures as ad valorem taxes.

Proposed law requires the sheriff to remit to the district all amounts collected not later than 60 days after collection. Authorizes the board to enter into a contract with the sheriff to authorize the sheriff to retain a collection fee.

Proposed law requires the board of commissioners to adopt an annual budget in accordance with the Local Government Budget Act and provides that the district shall be subject to audit by the legislative auditor.

Proposed law provides that if the district ceases to exist, all funds of the district shall be transmitted to the city of Central and shall be used for law enforcement purposes in the area included within the district.

Proposed law requires the district to indemnify its officers and board members to the fullest extent permitted by present law (relative to indemnification of officers, directors, employees, and agents of nonprofit corporations) as fully as if the district were a nonprofit corporation governed thereby and as may be provided in district bylaws.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:9097.13)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill.

1. Makes changes to the district's board, providing for appointments by the mayor and governing authority of Central rather than the mayor and governing authority of Baton Rouge.
2. Relative to the collection of the parcel fee, removes provision that requires the sheriff to collect and maintain the proceeds of the fee in a separate account until disbursed to the district.

3. Relative to the collection of the parcel fee, requires that all fees, rather than unpaid fees, be added to the tax rolls of the parish.
4. Requires that the collection of the fee be enforced in the same manner and subject to the same penalties as all ad valorem taxes rather than as unpaid ad valorem taxes.

House Floor Amendments to the engrossed bill.

1. Relative to the collection of the parcel fee, authorizes the district's board to enter into a contract with the sheriff, rather than with East Baton Rouge Parish (EBR), to provide for a collection fee. Removes provision that specifies the amount of collection fee. Additionally, requires the sheriff, rather than EBR, to remit the tax proceeds to the district.
2. Requires that district funds be transmitted to the city of Central, rather than EBR, if the district is dissolved. Makes changes to provisions for the use of such funds.