

Regular Session, 2012

ACT No. 170

HOUSE BILL NO. 107

BY REPRESENTATIVE RICHARDSON

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (1) To sue and be sued.

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

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

24 (4) To accept private grants and donations.

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

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

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

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

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

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

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

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

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

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

21 (3)(a) The fee shall be imposed only after the question of its imposition has
 22 been approved by a majority of the registered voters of the district voting on the
 23 proposition at a regularly scheduled primary or general election held for that purpose
 24 in accordance with the Louisiana Election Code. At least thirty days prior to any
 25 election held to approve the levy of a fee, the board shall mail notification of the
 26 upcoming election to each registered voter of the district and to the owner of a parcel
 27 if the owner is not a registered voter of the district.

28 (b) Not less than five years after approval of the fee by a majority of the
 29 registered voters of the district, the board may increase the amount of the fee one
 30 time without an election. The amount of the increase shall be as provided in a duly

1 adopted resolution of the board, not to exceed two hundred fifty dollars per parcel
 2 per year.

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

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

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

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

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

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

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

22 I. Dissolution. (1) The district may be dissolved after the question of its
 23 dissolution has been approved by a majority of the registered voters of the district
 24 voting on the proposition at a regularly scheduled election conducted in accordance
 25 with the provisions of the Louisiana Election Code. The question may be placed on
 26 the ballot only after it has been approved by the affirmative vote of not less than five
 27 members of the board.

28 (2) If the district ceases to exist:

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

1 **(b) The authority for the imposition of the parcel fee provided in this Section**
2 **shall cease.**

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

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

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

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

15 **(3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.**
16 **9:2792.1 through 2792.9, a person serving the district as a board member or officer**
17 **shall not be individually liable for any act or omission arising out of the performance**
18 **of his duties.**

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____