

2022 Regular Session

HOUSE BILL NO. 151

BY REPRESENTATIVE EDMONDS

DISTRICTS/CRIME PREVENT: Creates the Old Jefferson Crime Prevention and Improvement District in East Baton Rouge Parish

1 AN ACT

2 To enact R.S. 33:9097.35, relative to East Baton Rouge Parish; to create the Old Jefferson
3 Crime Prevention and Improvement District; to provide relative to the boundaries,
4 purpose, governance, and powers and duties of the district; to provide relative to
5 district funding, including the imposition of a parcel fee, subject to voter approval;
6 to provide for an effective date; and to provide for related 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. 33:9097.35 is hereby enacted to read as follows:

12 §9097.35. Old Jefferson 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 Old Jefferson 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 district shall include all property in the filings of the Old
19 Jefferson subdivision S/D, Belle Grove S/D, Lagniappe Square S/D, Jefferson
20 Garden Homes, Townes End Corner and the ten town houses located on the eastern

1 side of Baringer Road, which are legally identified as being part of the Jefferson Park
2 Subdivision filed with the East Baton Rouge Parish Clerk of Court.

3 C. Purpose. The purpose of the district shall be to aid in crime prevention,
4 to enhance security within the district, to provide for an increase in security patrols
5 in the district, and to provide for the overall betterment of the district.

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

9 (a) The board of directors of the Old Jefferson Neighborhood Association
10 shall appoint four members.

11 (b) The member of the Louisiana House of Representatives whose district
12 encompasses all or the greater portion of the area of the district shall appoint one
13 member.

14 (c) The member of the Louisiana Senate whose district encompasses all or
15 the greater portion of the area of the district shall appoint one member.

16 (d) The assessor for the parish of East Baton Rouge shall appoint one
17 member.

18 (2) All members of the board shall own property and reside within the
19 district and shall be qualified voters of the district.

20 (3)(a) Members shall serve four-year terms after the initial terms as provided
21 in this Subparagraph. Two members shall serve an initial term of one year; two shall
22 serve two years; two shall serve three years, and one shall serve four years, as
23 determined by lot at the first meeting of the board.

24 (b) Members shall be eligible for reappointment.

25 (4) Any vacancy in the membership of the board shall be filled in the manner
26 of the original appointment. If the appointing authority responsible for the
27 appointment of a member fails to fill a vacancy within thirty days, the remaining
28 members of the board may appoint an interim successor to serve until the position
29 is filled by the appointing authority.

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

4 (6) The members of the board shall serve without compensation but shall be
5 reimbursed for reasonable out-of-pocket expenses directly related to the governance
6 of the district, not to exceed one hundred dollars per year.

7 (7) The board shall keep minutes of all meetings and shall make them
8 available through the secretary of the board. The minute books and archives of the
9 district shall be maintained by the secretary of the board. The monies, funds, and
10 accounts of the district shall be in the official custody of the board.

11 (8) The board shall adopt such rules and regulations as it deems necessary
12 or advisable for conducting its business affairs. The board shall hold regular
13 meetings as shall be provided for in the bylaws and may hold special meetings at
14 such times and places within East Baton Rouge Parish as may be prescribed in the
15 bylaws.

16 (9) A majority of the membership of the board shall constitute a quorum for
17 the transaction of business, and an official action of the board requires the favorable
18 vote of a majority of those members present and voting. All members of the board
19 shall be voting members.

20 (10) The domicile of the board shall be in East Baton Rouge Parish.

21 E. Powers and duties. The district, acting through its board, shall have the
22 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 Subsections F and G
26 of this Section and in accordance with a budget adopted as provided by Subsection
27 H of this Section.

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

1 (5) To provide or enhance security patrols in the district, to provide for
2 improved lighting, signage, or matters relating to the security of the district, to
3 provide for the beautification of and improvement to the district, and to provide
4 generally for the overall betterment of the district.

5 (6) To enter into contracts and agreements with one or more other districts
6 for the joint security, improvement, or betterment of all participating districts.

7 (7) To provide for such services and make such expenditures as the board
8 deems proper to carry out the purposes of the district.

9 (8) To acquire or lease items and supplies which the board deems proper to
10 carry out the purposes of the district.

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

15 (10) To perform or have performed any other function or activity necessary
16 or appropriate to carry out the purposes of the district or for the overall betterment
17 of the district.

18 F. Parcel fee. The governing authority of the district may impose and collect
19 a parcel fee within the district subject to and in accordance with the provisions of this
20 Subsection:

21 (1)(a) The fee shall be imposed on each improved and unimproved parcel
22 located within the district.

23 (b) For purposes of this Section, a parcel shall be defined as a lot, a
24 subdivided portion of ground, or an individual tract within filings of Old Jefferson
25 Subdivision, and which is listed on the tax rolls for assessment of property taxes. The
26 owner of the parcel shall be responsible for payment of the fee.

27 (2)(a) The amount of the fee shall be as provided in a duly adopted
28 resolution of the board. The fee shall be a flat fee per parcel not to exceed one

1 hundred fifty dollars per year for each parcel; however, the initial fee for the first
2 calendar year shall not exceed one hundred dollars per parcel.

3 (b) The board may increase the fee one time during each subsequent calendar
4 year not to exceed five percent of the amount of the fee imposed during the previous
5 calendar year; however, the amount of the fee shall not exceed the maximum amount
6 authorized in Subparagraph (a) of this Paragraph.

7 (c) Notwithstanding the provisions of Subparagraphs (a) and (b) of this
8 Paragraph, owners who have been granted the Louisiana Special Assessment Level
9 pursuant to Article VII, Section 18(G)(1) of the Constitution of Louisiana shall be
10 charged fifty percent of the parcel fee charged to other owners.

11 (d) No fee may be imposed or increased pursuant to the provisions of this
12 Subsection unless the question of its imposition and the board's authority to increase
13 the fee has been approved by a majority of the registered voters of the district who
14 vote on the proposition at an election held for that purpose in accordance with the
15 Louisiana Election Code.

16 (e) If approved, the fee and the board's authority to increase the fee shall
17 expire in ten years, but the fee and the board's authority to increase the fee may be
18 renewed if approved by a majority of the registered voters of the district voting on
19 the proposition at an election as provided in Subparagraph (d) of this Paragraph. If
20 the fee and board's authority to increase the fee is renewed, the term of the
21 imposition of the fee shall be as provided in the proposition authorizing such
22 renewal, not to exceed ten years.

23 (3) The fee shall be collected at the same time and in the same manner as ad
24 valorem taxes are collected for East Baton Rouge Parish. The tax collector shall
25 collect and remit to the district all amounts collected not more than sixty days after
26 collection; however, the district may enter into an agreement with the tax collector
27 to authorize retention of an annual collection fee, not to exceed one percent of the
28 amount collected.

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

4 G. Additional contributions. The district may solicit, accept, and expend
5 additional voluntary contributions and grants to carry out the purposes of the district.

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

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

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

15 (2) If the district ceases to exist, any funds, equipment, and property of the
16 district shall be transmitted to the governing authority of the municipality in which
17 district is located if the district was located within the boundaries of an incorporated
18 area or to the governing authority of the parish of East Baton Rouge if the district
19 was not located within the boundaries of an incorporated area and shall be used only
20 within the district for the purposes set forth in this Section.

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

25 (2) No board member or officer of the district shall be liable to the district
26 or to any individual who resides, owns property, visits, or otherwise conducts
27 business in the district for monetary damages, for breach of his duties as a board
28 member or officer, provided that this provision shall not eliminate or limit the
29 liability of a board member or officer for any of the following:

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

3 (b) Any transaction from which he or she derived an improper personal
 4 benefit.

5 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
 6 9:2792.1 through 2792.9, a person serving the district as a board member or officer
 7 shall not be individually liable for any act or omission arising out of the performance
 8 of his duties.

9 Section 2. This Act shall become effective upon signature by the governor or, if not
 10 signed by the governor, upon expiration of the time for bills to become law without signature
 11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 13 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)]

HB 151 Engrossed

2022 Regular Session

Edmonds

Abstract: Creates the Old Jefferson Crime Prevention and Improvement District in East Baton Rouge Parish. Provides for the district's boundaries, purpose, governance, and funding, including the authority to impose a parcel fee.

Proposed law creates the Old Jefferson Crime Prevention and Improvement District in East Baton Rouge Parish as a political subdivision of the state for the purpose of aiding in crime prevention and providing for overall betterment of the district. Provides for district boundaries. Provides that the district shall be governed by a board of commissioners composed as follows:

- (1) Four members appointed by the Old Jefferson Neighborhood Assoc.
- (2) 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.
- (3) One member appointed by the member of the La. Senate whose district encompasses all or the greater portion of the area of the district.
- (4) One member appointed by the parish assessor of E. Baton Rouge.

Requires board members to own property and reside in the district and to be qualified voters of the district.

Proposed law provides for the district's powers and duties 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 from an authorized parcel fee and in accordance with an adopted budget.
- (4) To enter into contracts with individuals or entities, private or public.
- (5) To provide or enhance security patrols in the district, to provide for improved lighting, signage, or matters relating to the security of the district, to provide for the beautification of and improvement to the district, and to provide generally for the overall betterment of the district.
- (6) To enter into contracts and agreements with one or more other districts for the joint security, improvement, or betterment of all participating districts.

Proposed law authorizes the governing authority of the district, subject to voter approval, to impose and collect a parcel fee on each improved and unimproved parcel within the district not to exceed \$150 per parcel per year, which amount shall be as provided in a duly adopted board resolution. Provides, however, that the initial fee for the first calendar year shall not exceed \$100 per parcel. Authorizes the board to increase the fee one time during each calendar year not to exceed 5% of the amount of the fee imposed during the previous calendar year. Present law provides however, that an owner who qualifies for the special assessment pursuant to present constitution (Art. 7, Sec. 18(G)(1)) shall be charged 50% of the amount charged to other owners.

Present law provides that the fee and the board's authority to increase the fee expires in 10 years, but authorizes renewal of the fee for a term not to exceed 10 years. Defines "parcel" as a lot, a subdivided portion of ground, or an individual tract within the boundaries of the district which is listed on the tax rolls for assessment of property taxes.

Proposed law provides that the fee shall be collected in the same manner and at the same time as ad valorem taxes and that any unpaid fee shall be added to the parish tax rolls and enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes. Requires the tax collector to remit to the district all amounts collected not more than 60 days after collection and authorizes the district to enter into an agreement with the tax collector to authorize the retention of a collection fee, not to exceed 1% of the amount collected.

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

Proposed law provides that it is the purpose and intent of proposed law that the additional law enforcement personnel and their services provided for through the fees authorized by proposed law shall be supplemental to, and not in lieu of, personnel and services provided in the district by publicly funded law enforcement agencies.

Proposed law provides that if the district ceases to exist, all district funds and property shall be transmitted to the governing authority of the municipality in which district is located if the district was in an incorporated area or to E Baton Rouge Parish if the district was not in an incorporated area and used to promote and enhance the security, beautification, and overall betterment of the area included within the district.

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

(Adds R.S. 33:9097.35)