

2021 Regular Session

HOUSE BILL NO. 257

BY REPRESENTATIVE FREIBERG

1 AN ACT

2 To enact R.S. 33:9097.33, relative to East Baton Rouge Parish, to create the Plantation Trace
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 authority to impose a parcel fee within the district,
6 subject to voter approval; to provide for an effective date; and to provide for related
7 matters.

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

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:9097.33 is hereby enacted to read as follows:

13 §9097.33. Plantation Trace Crime Prevention and Improvement District

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

19 B. Boundaries. The district shall include the following areas: Lots X-1
20 through X-5 of the Robert McGill Tract, the W.P. Wray tract and all lots in
21 Plantation Trace Subdivision, except Lot 1.

22 C. Purpose. The purpose of the district is to aid in crime prevention and to
23 add to the security of the district residents by providing for an increase in the
24 presence of law enforcement personnel in the district and to add to the overall

1 betterment of the district by providing for beautification and other improvements
2 within the district, including the construction of a neighborhood playground.

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

6 (a) The president of the Plantation Trace Residents Association.

7 (b) The president of the Plantation Trace Residents Association shall appoint
8 three members.

9 (c) The member of the Louisiana House of Representatives whose district
10 encompasses all or the greater portion of the area of the district shall appoint one
11 member.

12 (d) The member of the governing authority of the city of Baton Rouge,
13 parish of East Baton Rouge whose district encompasses all or the greater portion of
14 the area of the district shall appoint one member.

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

17 (2)(a) Members appointed pursuant to Subparagraphs (1)(b) through (e) of
18 this Subsection shall serve three-year terms after initial terms as provided in
19 Subparagraph (b) of this Paragraph.

20 (b) Two members shall serve an initial term of one year; two shall serve two
21 years; and two shall serve three years as determined by lot at the first meeting of the
22 board.

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

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

28 (4) The secretary of the board shall maintain the minute books and archives
29 of the district. The monies, funds, and accounts of the district shall be in the official
30 custody of the board.

1 (5) The board shall adopt such bylaws as it deems necessary or advisable for
 2 conducting its business affairs. Rules and regulations of the board relative to the
 3 notice and conduct of meetings shall conform to applicable law, including, if
 4 applicable, the Open Meetings Law. The board shall hold regular meetings as
 5 provided for in the bylaws and may hold special meetings at times and places within
 6 the district as prescribed in the bylaws.

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

10 (7) The members of the board shall serve without compensation but shall be
 11 reimbursed for their reasonable out-of-pocket expenses directly related to the
 12 governance of the district.

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

15 (1) To sue and be sued.

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

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

20 (4) To enter into contracts with individuals or entities, private or public, for
 21 the provision of security patrols, improvement, or other programs in the district.

22 (5) To provide or enhance security patrols in the district; to provide for
 23 improved lighting, signage, or matters relating to the security of the district; and to
 24 provide for improvements in the district; and to provide generally for the overall
 25 betterment of the district.

26 (6) To purchase, lease, rent, or otherwise acquire items, supplies, and
 27 services necessary or deemed appropriate for achieving any 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.

30 (8) To accept private grants and donations.

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

5 F. Parcel fee. The district may impose and collect a parcel fee within the
6 district subject to and in accordance with the provisions of this Subsection.

7 (1) The fee shall be imposed by duly adopted resolution of the board. The
8 fee shall be a flat fee not to exceed three hundred dollars per parcel per year.

9 (2) The fee shall be imposed on each improved and unimproved parcel
10 located within the district. The owner of the parcel shall be responsible for payment
11 of the fee.

12 (3) For purposes of this Section, "parcel" means a lot, a subdivided portion
13 of ground, an individual tract, or a "condominium parcel" as defined in R.S.
14 9:1121.103.

15 (4) The fee shall be imposed only after its imposition has been approved by
16 a majority of the registered voters of the district voting on the proposition at an
17 election held for that purpose in accordance with the Louisiana Election Code.

18 (5) The term of the imposition of the fee shall be as provided in the
19 proposition authorizing the fee, not to exceed ten years. The fee may be renewed if
20 the renewal is approved by the voters in the manner provided in Paragraph (4) of this
21 Subsection. If renewed, the term of the imposition of the fee shall be as provided in
22 the proposition authorizing such renewal, not to exceed ten years.

23 (6) 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 the retention of an annual collection fee, not to exceed one percent of the
28 amount collected.

1 (7) 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 its purposes.

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 of the district shall be transmitted
16 to the governing authority of the city of Baton Rouge, parish of East Baton Rouge,
17 and shall be used for law enforcement purposes in the area which comprised the
18 district.

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

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

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

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

1 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
 2 9:2792.1 through 2792.9, a person serving the district as a board member or officer
 3 shall not be individually liable for any act or omission arising out of the performance
 4 of his duties.

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

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 PRESIDENT OF THE SENATE

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____