

2021 Regular Session

HOUSE BILL NO. 257

BY REPRESENTATIVE FREIBERG

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

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.

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

4           C. The purpose of the district is to aid in crime prevention and to add to the  
5           security of the district residents by providing for an increase in the presence of law  
6           enforcement personnel in the district and to add to the overall betterment of the  
7           district by providing for beautification and other improvements within the district,  
8           including the construction of a neighborhood playground.

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

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

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

15           (c) The member of the Louisiana House of Representatives whose district  
16          encompasses all or the greater portion of the area of the district shall appoint one  
17          member.

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

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

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

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

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

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

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

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

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

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

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 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 enter into contracts with individuals or entities, private or public, for  
29          the provision of security patrols, improvement, or other programs in the district.

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; and to  
3           provide for improvements in the district; and to provide generally for the overall  
4           betterment of the district.

5           (6) To purchase, lease, rent, or otherwise acquire items, supplies, and  
6           services necessary or deemed appropriate for achieving any purpose of the district.

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

9           (8) To accept private grants and donations.

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

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

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

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

21          (3) For purposes of this Section, "parcel" means a lot, a subdivided portion  
22          of ground, an individual tract, or a "condominium parcel" as defined in R.S.  
23          9:1121.103.

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

27          (5) The term of the imposition of the fee shall be as provided in the  
28          proposition authorizing the fee, not to exceed ten years. The fee may be renewed if  
29          the renewal is approved by the voters in the manner provided in Paragraph (4) of this

1        Subsection. If renewed, the term of the imposition of the fee shall be as provided in  
2        the proposition authorizing such renewal, not to exceed ten years.

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

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

12               G. Additional contributions. The district may solicit, accept, and expend  
13       additional voluntary contributions and grants to carry out its purposes.

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

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

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

23               (2) If the district ceases to exist, any funds of the district shall be transmitted  
24       to the governing authority of the city of Baton Rouge, parish of East Baton Rouge  
25       and shall be used for law enforcement purposes in the area which comprised the  
26       district.

27               J. Indemnification and exculpation. (1) The district shall indemnify its  
28       officers and board members to the fullest extent permitted by R.S. 12:227, as fully

1 as if the district were a nonprofit corporation governed thereby, and as may be  
2 provided in the district's bylaws.

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

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

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

12 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.  
13 9:2792.1 through 2792.9, a person serving the district as a board member or officer  
14 shall not be individually liable for any act or omission arising out of the performance  
15 of his duties.

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

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#### 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)]

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HB 257 Engrossed

2021 Regular Session

Freiberg

**Abstract:** Creates the Plantation Trace 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 Plantation Trace 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 the overall betterment of the district. Provides for district boundaries. Provides that the district shall be governed by a seven-member board of commissioners composed as follows:

- (1) The president of the Plantation Trace Residents Association (association).
- (2) Three members appointed by the president 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 governing authority of the city of Baton Rouge, parish of East Baton Rouge whose district encompasses all or the greater portion of the area of the district.
- (5) One member appointed by the assessor for East Baton Rouge Parish.

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 and to provide for improved lighting, signage, or matters relating to the security of the district.

Proposed law authorizes the district, subject to voter approval, to impose and collect a parcel fee on each improved and unimproved parcel within the district. Provides that the amount of the fee shall be in a duly adopted resolution of the board and shall not exceed \$300 per year.

Proposed law provides that the term of the fee expires at the time provided in the proposition authorizing the fee, not to exceed 10 years, but authorizes renewal of the fee for a term not to exceed 10 years, also subject to voter approval. Defines "parcel" as a lot, a subdivided portion of ground, an individual tract, or a "condominium parcel" as defined in present law (R.S. 9:1121.103).

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 shall be transmitted to the city-parish to be used for law enforcement purposes in the area which comprised the district.

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

(Adds R.S. 33:9097.33)