

**ACT No. 264**

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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_