

Regular Session, 2012

HOUSE BILL NO. 107

BY REPRESENTATIVE RICHARDSON

DISTRICTS/NEIGHBORHOOD: Creates the Hampton Village Crime Prevention and Improvement District within East Baton Rouge Parish

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

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

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

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

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

11 (b) One member shall be appointed by the board of directors of the Hampton  
12 Village Estates Homeowners Association, Inc., or its successor.

13 (c) One member shall be appointed by the member of the Louisiana House  
14 of Representatives whose district encompasses all or the greater portion of the area  
15 of the district.

16 (d) One member shall be appointed by the member of the Louisiana Senate  
17 whose district encompasses all or the greater portion of the area of the district.

18 (e) One member shall be appointed by the member of the governing  
19 authority of the parish of East Baton Rouge whose district encompasses all or the  
20 greater portion of the area of the district.

21 (f) One member shall be appointed by the mayor-president for the city of  
22 Baton Rouge/parish of East Baton Rouge.

23 (g) One member shall be appointed by the assessor for the parish of East  
24 Baton Rouge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25                 (1) To sue and be sued.

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

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

29                 (4) To accept private grants and donations.

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

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

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

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

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

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

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

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

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

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

26                   (3)(a) The fee shall be imposed only after the question of its imposition has  
27 been approved by a majority of the registered voters of the district voting on the  
28 proposition at a regularly scheduled primary or general election held for that purpose  
29 in accordance with the Louisiana Election Code. At least thirty days prior to any

1 election held to approve the levy of a fee, the board shall mail notification of the  
2 upcoming election to each registered voter of the district and to the owner of a parcel  
3 if the owner is not a registered voter of the district.

4 (b) Not less than five years after approval of the fee by a majority of the  
5 registered voters of the district, the board may increase the amount of the fee one  
6 time without an election. The amount of the increase shall be as provided in a duly  
7 adopted resolution of the board, not to exceed two hundred fifty dollars per parcel  
8 per year.

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

13 (4) The fee shall be collected at the same time and in the same manner as ad  
14 valorem taxes on property subject to taxation by the parish are collected by the  
15 sheriff as ex officio tax collector of East Baton Rouge Parish. The sheriff shall  
16 collect and maintain the proceeds of the fee collected pursuant to this Section in a  
17 separate account until such proceeds are disbursed to the district.

18 (5) Any fee which is unpaid shall be added to the tax rolls of the parish and  
19 shall be enforced with the same authority and subject to the same penalties and  
20 procedures as unpaid ad valorem taxes.

21 (6) The parish of East Baton Rouge shall remit to the district all amounts  
22 collected not more than sixty days after collection; however, the board may enter  
23 into an agreement with the parish to authorize the parish to retain, as a collection fee,  
24 not more than one percent of the amount collected.

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

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

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

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

9           (2) If the district ceases to exist:

10           (a) All funds of the district shall be transmitted by the board to the parish of  
11           East Baton Rouge within thirty days of dissolution. Such transmitted funds, together  
12           with any other funds collected by the parish of East Baton Rouge pursuant to this  
13           Section, shall be maintained in a separate account by the parish and shall be used  
14           only to promote, encourage, and enhance the security, beautification, and overall  
15           betterment of the district.

16           (b) The authority for the imposition of the parcel fee provided in this Section  
17           shall cease.

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

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

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

29           (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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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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Richardson

HB No. 107

**Abstract:** Creates the Hampton Village Crime Prevention and Improvement District in East Baton Rouge Parish for the purpose of promoting and encouraging the beautification, security, and overall betterment of the district. Creates and provides for the district's board of commissioners. Provides for the imposition and use of a parcel fee.

Proposed law creates the Hampton Village Crime Prevention and Improvement District in East Baton Rouge Parish as a political subdivision of the state for the purpose of promoting and encouraging the beautification, security, and overall betterment of the district. Provides for district boundaries.

Proposed law provides that the district is governed by a board of seven commissioners, all of whom shall be residents and qualified voters of the district. Provides that the board is composed as follows:

- (1) The president of the Hampton Village Estates Homeowners Association, Inc., or its successor (association).
- (2) One member appointed by the board of directors 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 La. Senate whose district encompasses all or the greater portion of the area of the district.
- (5) One member appointed by the member of the governing authority of East Baton Rouge Parish whose district encompasses all or the greater portion of the area of the district.
- (6) One member appointed by the assessor for East Baton Rouge Parish.

- (7) One member appointed by the mayor-president of the city of Baton Rouge/East Baton Rouge Parish.

Proposed law provides that members appointed pursuant to (3) through (7) above serve terms concurrent with the appointing authority. Provides that the member appointed pursuant to (2) above serves a two-year term. Provides that the president shall serve during his term of office. Requires members to serve without compensation but authorizes reimbursement of expenses.

Proposed law provides relative to the powers and duties of the district 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 collected pursuant to proposed law and in accordance with a budget adopted as provided by proposed law.
- (4) To enter contracts.
- (5) To acquire property.

Proposed law authorizes the governing authority of East Baton Rouge Parish, subject to voter approval, to impose and collect a parcel fee within the district. Provides that the amount of the fee shall be as requested by duly adopted resolution of the board. Further provides that the fee shall be a flat fee per parcel of land not to exceed \$125 per year. Defines "parcel" as a lot, subdivided portion of ground, or an individual tract on which a residential structure is situated.

Proposed law provides that the amount of the fee may be changed one time by duly adopted board resolution, not to exceed the maximum amount authorized by proposed law.

Proposed law provides that the fee shall expire 10 years from initial levy, but may be renewed. Proposed law provides that if the fee is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed 10 years.

Proposed law provides that the fee shall be collected in the same manner and at the same time as ad valorem taxes are collected. Provides that any fee which is unpaid shall be added to the tax rolls of the parish and shall be enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes.

Proposed law requires the parish to remit to the district all amounts collected not later than 60 days after collection. Authorizes the board of commissioners to enter into a contract with the parish to authorize the parish to retain not more than 1% of the amount collected as a collection fee.

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

Proposed law provides that if the district ceases to exist, all funds of the district shall be transmitted by the board to the parish. Provides that such funds together with any other funds collected by the parish pursuant to proposed law shall be maintained in a separate account by the parish and shall be used only to promote, encourage, and enhance the security, beautification, and overall betterment of the area included in the district.

Proposed law requires the district to indemnify its officers and board members to the fullest extent permitted by present law (relative to indemnification of officers, directors, employees, and agents of nonprofit corporations) as fully as if the district were a nonprofit corporation governed thereby and as may be provided in district bylaws.

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

(Adds R.S. 33:9097.13)