

Regular Session, 2014

HOUSE BILL NO. 1010

BY REPRESENTATIVE ALFRED WILLIAMS

DISTRICTS/CRIME PREVENT: Creates the Villa del Rey Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish

1 AN ACT

2 To enact R.S. 33:9097.22, relative to East Baton Rouge Parish; to create the Villa del Rey
3 Crime Prevention and Neighborhood Improvement District within the parish; to
4 provide relative to the boundaries, purpose, governance, and powers and duties of
5 the district; to provide relative to the funding, including the authority to impose a
6 parcel fee, subject to voter approval, within the district; 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. 33:9097.22 is hereby enacted to read as follows:

13 §9097.22. Villa del Rey Crime Prevention and Neighborhood 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 Villa del Rey Crime Prevention and
17 Neighborhood Improvement District, referred to in this Section as the "district". The
18 district shall be a political subdivision of the state as defined in the Constitution of
19 Louisiana.

1 B. Boundaries. (1) The district shall include all property shown on the final
2 subdivision plats for Villa del Rey Subdivision filings First, Second, Third, Fourth,
3 Fifth, Sixth, Seventh and Eighth including lots 1 through 811, Villa del Rey Park
4 Subdivision including lots 1 through 6, lots 8 through 47 and lots 58 through 95 and
5 Castlewood Subdivision including lots 3 through 14, lot 15A, lots 18 through 25 and
6 lots 29 through 32 and Milnor Subdivision recorded with the East Baton Rouge
7 Parish Clerk of Court, as more particularly described as follows: Begin at the
8 northeast corner of lot 728 of Villa del Rey, proceed east along the northern
9 boundaries of the lots fronting W. Daryl Parkway crossing Monterrey Boulevard,
10 Palermo Drive and San Clemente to the northeast corner of lot 710 of Villa del Rey,
11 then south along the eastern boundary of lot 710 of Villa del Rey, then south along
12 the eastern boundaries of the lots fronting San Clemente Drive, then south across
13 Jones Creek, then south along the eastern boundary of lot 347 Villa del Rey to Sharp
14 Lane, then south along the centerline of Sharp Lane to its intersection with the
15 southeast corner of lot 1 of Milnor Subdivision, then west along the southern
16 boundaries of the lots fronting Karen, across Milnor Drive, west along the southern
17 boundary of lot 5 of Milnor north to the southeast corner of lot 93 of Villa del Rey
18 Park, then west along the southern boundaries of the lots fronting Patio Court to the
19 northeast corner of lot 95 of Villa del Rey Park, then south to the southwest of lot 80
20 of Villa del Rey Park, then north-northwest along the western boundaries of lots 80,
21 79, and 78 of Villa del Rey Park, then west across Jones Creek, then west along the
22 southern boundaries of the lots fronting W. Pomona Drive to the southwest corner
23 of lot 184 of Villa del Rey, then south along the eastern boundaries of the lots
24 fronting Monterrey Boulevard to the southeast corner of lot 42 of Villa del Rey, then
25 east along the northern boundaries of lots fronting Berkeley Street to the northeast
26 corner of lot 18 of Castlewood, then south along the eastern boundaries of the lots
27 fronting Castlewood Drive to the southeast corner of lot 25 of Castlewood Drive,
28 then west along the southern boundary of lot 25, then horizontally across Castlewood
29 Drive to the southeast corner of lot 3 of Castlewood Drive to the southeast corner of

1 lot 3 of Castlewood, then west along the southern boundaries of lots 3 and 32 of
2 Castlewood Drive, then south along the east side of Monterrey Boulevard to the
3 north side of Florida Boulevard North Service Road, then west to its intersection of
4 the west side of Monterrey Boulevard, then north to the southeast corner of lot 1 of
5 Villa del Rey, then west along the southern boundaries of the lots fronting San Lo
6 Drive to the southwest corner of lot 6 of Villa del Rey, then north along the western
7 boundaries of lot 6 and the lots fronting S. Alameda Drive, across W. Pomona Drive
8 and Cuyhanga Parkway, then north along the western boundary of lot 88 of Villa del
9 Rey, then north across Jones Creek, then north along the western boundaries of the
10 lots fronting N. Alameda Drive, then north across W. Tams Drive, then north along
11 the western boundaries of the lots fronting N. Alameda Drive, then north across W.
12 Darryl Parkway, then north along the western boundary of lot 728 of Villa del Rey
13 to the point of beginning.

14 C. Purpose. The purpose of the district shall be to aid in crime prevention,
15 to enhance security within the district, to provide for an increase in security patrols
16 in the district, to beautify and improve the common areas within the district, and to
17 provide for the overall betterment of the district.

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

- 21 (a) The president of the Villa del Rey Citizens Association, Inc.
22 (b) The Villa del Rey Citizens Association, Inc. shall appoint two members.
23 (c) The member of the Louisiana House of Representatives whose district
24 encompasses all or the greater portion of the area of the district shall appoint one
25 member.
26 (d) The member of the Louisiana Senate whose district encompasses all or
27 the greater portion of the area of the district shall appoint one member.

1 (e) The council member of the governing authority for East Baton Rouge
2 Parish who represents all or the greater portion of the area of the district shall appoint
3 one member.

4 (f) The mayor-president of the city of Baton Rouge and parish of East Baton
5 Rouge shall appoint one member.

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

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

12 (b) Members shall be eligible for reappointment.

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

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

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

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

28 (8) The board shall adopt such rules and regulations as it deems necessary
29 or advisable for conducting its business affairs. Rules and regulations of the board

1 relative to the notice and conduct of meetings shall conform to applicable provisions
2 of the Open Meetings Law. The board shall hold regular meetings as shall be
3 provided for in the bylaws and may hold special meetings at such times and places
4 within East Baton Rouge Parish as may be prescribed in the bylaws.

5 (9) A majority of the membership of the board shall constitute a quorum for
6 the transaction of business, and all official action of the board shall require the
7 favorable vote of a majority of those members present and voting. All members of
8 the board shall be voting members.

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

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

12 (1) To sue and be sued.

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

14 (3) To receive and expend funds collected pursuant to Subsections F and G
15 of this Section and in accordance with a budget adopted as provided by Subsection
16 H of this Section.

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

18 (5) To provide or enhance security patrols in the district, to provide for
19 improved lighting, signage, or matters relating to the security of the district, to
20 provide for the beautification of and improvement to the district, and to provide
21 generally for the overall betterment of the district.

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

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

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

28 (9) To procure and maintain liability insurance against any personal or legal
29 liability of a board member that may be asserted or incurred based upon service as

1 a member of the board or that may arise as a result of actions taken within the scope
2 and discharge of duties as a member of the board.

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

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

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

11 (b) For the purposes of this Section, a parcel shall be defined as a lot, a
12 subdivided portion of ground, or an individual tract within Filings First through
13 Eighth of Villa del Rey, Villa del Rey Park, Castlewood, and Milnor Subdivisions,
14 and which is listed on the tax rolls for assessment of property taxes. The owner of
15 the parcel shall be responsible for payment of the fee.

16 (2)(a) The amount of the parcel fee shall be as provided by duly adopted
17 resolution of the governing authority of the district. The annual parcel fee shall not
18 exceed two hundred fifty dollars per parcel per year. Owners who have been
19 granted the special assessment level provided by Article VII, Section 18(G)(1) of the
20 Constitution of Louisiana shall be charged fifty percent of the parcel fee charged to
21 other owners.

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

26 (3) A parcel fee shall expire ten years after its levy but may be renewed for
27 additional terms not to exceed ten years if approved by the voters in the manner
28 provided in Subparagraph (2)(b) of this Subsection.

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

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

9 G. Additional contributions. The district is authorized to solicit, accept and
10 expend additional voluntary contributions and grants to carry out the purposes of the
11 district.

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

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

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

21 (2) If the district ceases to exist, any funds, equipment, and property of the
22 district shall be transmitted to the governing authority of the parish of East Baton
23 Rouge and shall be used only within the area comprising the district for the purposes
24 set forth in this Section.

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

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

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

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

9 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
 10 9:2792.1 through 2792.9, a person serving the district as a board member or officer
 11 shall not be individually liable for any act or omission arising out of the performance
 12 of his duties.

13 Section 2. This Act shall become effective upon signature by the governor or, if not
 14 signed by the governor, upon expiration of the time for bills to become law without signature
 15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 17 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)]

Alfred Williams

HB No. 1010

Abstract: Creates the Villa del Rey Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish for the purpose of promoting and encouraging the beautification, security, and overall betterment of the district. Provides for a board of commissioners and for the imposition and use of a parcel fee.

Proposed law creates the Villa del Rey Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish as a political subdivision of the state for the purpose of aiding in crime prevention by providing increased security for the district residents and the overall betterment of the district. Provides for district boundaries. Provides that the district shall be governed by a board of commissioners consisting of the following members:

- (1) The president of the Villa del Rey Citizens Association, Inc.
- (2) Two members appointed by the board of directors of the Villa del Rey Citizens Association, Inc.

- (3) One member appointed by the member or members of the La. House of Representatives who represent the area which comprises the district.
- (4) One member appointed by the member or members of the La. Senate who represent the area which comprises the district.
- (5) One member appointed by the member or members of the East Rouge Parish Metropolitan Council who represent the area which comprises the district.
- (6) One member appointed by the mayor-president of Baton Rouge.

Proposed law provides that the district has the following powers and duties:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To receive and expend funds collected.
- (4) To enter into contracts with individuals or entities, private or public.
- (5) To acquire items and supplies necessary for achieving any purpose of the district.
- (6) To solicit and accept private grants and donations.
- (7) To procure and maintain liability insurance against any personal or legal liability of a board member.
- (8) To perform or have performed any function or activity the board deems necessary to carry out the purposes of the district.

Proposed law authorizes the district, subject to voter approval, to impose and collect a parcel fee of up to \$250 per parcel per year.

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 city tax rolls and enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes. Proposed law authorizes an agreement with the parish tax collector for fee collection; authorizes a collection fee of not more than 1%.

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 the city of Baton Rouge and East Baton Rouge Parish.

Proposed law provides that if the district ceases to exist, district property shall be transmitted to the parish to be used only to promote, encourage, and enhance the security, beautification, and overall betterment of the area included in the district.

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

(Adds R.S. 33:9097.22)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill.

1. Made technical amendments clarifying voting by the board and the maximum fee to be retained by the tax collector.