

Regular Session, 2014

HOUSE BILL NO. 1010

BY REPRESENTATIVE ALFRED WILLIAMS

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.

20 B. Boundaries. The district shall include all property shown on the final  
21 subdivision plats for Villa del Rey Subdivision filings First, Second, Third, Fourth,  
22 Fifth, Sixth, Seventh and Eighth including lots 1 through 811, Villa del Rey Park  
23 Subdivision including lots 1 through 6, lots 8 through 47 and lots 58 through 95 and  
24 Castlewood Subdivision including lots 3 through 14, lot 15A, lots 18 through 25 and

1            lots 29 through 32 and Milnor Subdivision recorded with the East Baton Rouge  
 2            Parish Clerk of Court, as more particularly described as follows: Begin at the  
 3            northwest corner of lot 728 of Villa del Rey, proceed east along the northern  
 4            boundaries of the lots fronting W. Daryl Parkway crossing Monterrey Boulevard,  
 5            Palermo Drive and San Clemente to the northeast corner of lot 710 of Villa del Rey,  
 6            then south along the eastern boundary of lot 710 of Villa del Rey, then south along  
 7            the eastern boundaries of the lots fronting San Clemente Drive, then south across  
 8            Jones Creek, then south along the eastern boundary of lot 347 of Villa del Rey to  
 9            Sharp Lane, then south along the centerline of Sharp Lane diagonally to its  
 10           intersection with the southeast corner of lot 1 of Milnor Subdivision, then west along  
 11           the southern boundaries of the lots fronting Karen, across Milnor Drive, west along  
 12           the southern boundary of lot 5 of Milnor north along the west boundaries of lots 5,  
 13           6, and 7 of Milnor Subdivision to the southeast corner of lot 93 of Villa del Rey  
 14           Park, then west along the southern boundaries of the lots fronting Patio Court to the  
 15           southwest corner of lot 80 of Villa del Rey Park, then north-northwest along the  
 16           western boundaries of lots 80, 79, and 78 of Villa del Rey Park, then west across  
 17           Jones Creek, then west along the southern boundaries of the lots fronting W. Pomona  
 18           Drive to the southwest corner of lot 184 of Villa del Rey, then south along the  
 19           eastern boundaries of the lots fronting Monterrey Boulevard to the southeast corner  
 20           of lot 42 of Villa del Rey, then east along the northern boundaries of lots fronting  
 21           Berkeley Street to the northeast corner of lot 18 of Castlewood, then south along the  
 22           eastern boundaries of the lots fronting Castlewood Drive to the southeast corner of  
 23           lot 25 of Castlewood Subdivision, then west along the southern boundary of lot 25  
 24           to the southwest corner of lot 25, then across Castlewood Drive to the southeast  
 25           corner of lot 3 of Castlewood Subdivision, then west along the southern boundaries  
 26           of lots 3 and 32 of Castlewood Subdivision, then south along the east side of  
 27           Monterrey Boulevard to the north side of Florida Boulevard North Service Road,  
 28           then west to its intersection of the west side of Monterrey Boulevard, then north to  
 29           the southeast corner of lot 1 of Villa del Rey, then west along the southern  
 30           boundaries of the lots fronting San Lo Drive to the southwest corner of lot 6 of Villa

1 del Rey, then north along the western boundaries of lot 6 and the lots fronting S.  
 2 Alameda Drive, across W. Pomona Drive and Cuyhanga Parkway, then north along  
 3 the western boundary of lot 88 of Villa del Rey, then north across Jones Creek, then  
 4 north along the western boundaries of the lots fronting N. Alameda Drive, then north  
 5 across W. Tams Drive, then north along the western boundaries of the lots fronting  
 6 N. Alameda Drive, then north across W. Darryl Parkway, then north along the  
 7 western boundary of lot 728 of Villa del Rey Subdivision to the point of beginning.

8 C. Purpose. The purpose of the district shall be to aid in crime prevention,  
 9 to enhance security within the district, to provide for an increase in security patrols  
 10 in the district, to beautify and improve the common areas within the district, and to  
 11 provide for the overall betterment of the district.

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

15 (a) The president of the Villa del Rey Citizens Association, Inc.

16 (b) The board of directors of the Villa del Rey Citizens Association, Inc.  
 17 shall appoint two members.

18 (c) The member of the Louisiana House of Representatives whose district  
 19 encompasses all or the greater portion of the area of the district shall appoint one  
 20 member.

21 (d) The member of the Louisiana Senate whose district encompasses all or  
 22 the greater portion of the area of the district shall appoint one member.

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

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

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

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

5           (b) Members shall be eligible for reappointment.

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

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

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

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

21          (8) The board shall adopt such rules and regulations as it deems necessary  
22          or advisable for conducting its business affairs. Rules and regulations of the board  
23          relative to the notice and conduct of meetings shall conform to applicable provisions  
24          of the Open Meetings Law. The board shall hold regular meetings as shall be  
25          provided for in the bylaws and may hold special meetings at such times and places  
26          within East Baton Rouge Parish as may be prescribed in the bylaws.

27          (9) A majority of the membership of the board shall constitute a quorum for  
28          the transaction of business, and all official action of the board shall require the  
29          favorable vote of a majority of those members present and voting. All members of  
30          the board shall be voting members.

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

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

4                   (1) To sue and be sued.

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

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

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

10                  (5) To provide or enhance security patrols in the district, to provide for  
11 improved lighting, signage, or matters relating to the security of the district, to  
12 provide for the beautification of and improvement to the district, and to provide  
13 generally for the overall betterment of the district.

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

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

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

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

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

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

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

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

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

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

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

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

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

1           G. Additional contributions. The district is authorized to solicit, accept and  
2           expend additional voluntary contributions and grants to carry out the purposes of the  
3           district.

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

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

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

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

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

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

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

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

29           (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.  
30           9:2792.1 through 2792.9, a person serving the district as a board member or officer

1           shall not be individually liable for any act or omission arising out of the performance  
2           of his duties.

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

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

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