

SENATE BILL NO. 247

BY SENATOR ALARIO

1 AN ACT

2 To enact R.S. 33:9080.4, a bill relative to Jefferson Parish; to create the Esprit at
3 Stonebridge Neighborhood Improvement District; to provide for district boundaries,
4 purpose, governance, and funding, including the levy of a parcel fee; to provide
5 relative to the powers and duties of the district and its governing board; and to
6 provide for related matters.

7 Notice of intention to introduce this Act has been published.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:9080.4 is hereby enacted to read as follows:

10 **§9080.4. Esprit at Stonebridge Neighborhood Improvement District**

11 **A. Creation. There is hereby created within the parish of Jefferson, as**
12 **more specifically provided in Subsection B of this Section, a body politic and**
13 **corporate which shall be known as the Esprit at Stonebridge Neighborhood**
14 **Improvement District, referred to in this Section as the "district". The district**
15 **shall be a political subdivision of the state as defined in the Constitution of**
16 **Louisiana.**

17 **B. Boundaries. The district shall be comprised of the area of Jefferson**
18 **Parish located between the golf course and Lake Lynn Dr. on the north,**
19 **excluding Square A 1-B-1 and Square A 2-A1 as shown on said plan, which said**
20 **plan of subdivision is registered in Clerk of Court, Jefferson Parish Instrument**
21 **9430198 and 10022867, Manhattan Blvd. on the west, the golf course and Bayou**
22 **Barataria on the south, and the Trapp Canal on the east.**

23 **C. Purpose. The district is established for the purpose of promoting and**
24 **encouraging security in the area included within the district and promoting and**
25 **encouraging the beautification and overall betterment of the district.**

26 **D. Governance. (1) In accordance with Article VI, Section 6 of the**
27 **Constitution of Louisiana and the Jefferson Parish Charter, the Jefferson**

1 Parish Council shall be the governing authority of the district.

2 (2)The district shall have a six-member advisory board to advise and
3 make recommendations to the governing authority. The advisory board shall
4 be appointed by the governing authority from nominations by the board of
5 directors of the Esprit at Stonebridge Homeowners' Association. These
6 appointed advisory board members shall not be members of the Esprit at
7 Stonebridge Homeowners' Association board of directors.

8 E. Powers and Duties. The district, acting through its governing
9 authority, shall have the following powers and duties:

10 (1) To sue and be sued.

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

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

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

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

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

23 (7) To provide for such services and make such expenditures as the
24 governing authority deems proper for the upkeep of the district.

25 (8) To acquire or lease items and supplies which the governing authority
26 deems instrumental to achieving the purposes of the district.

27 (9) To acquire, lease, insure, and sell immovable property within the
28 boundaries of the district in accordance with district plans.

29 (10) To perform or have performed any other function or activity
30 necessary or appropriate to carry out the purposes of the district or for the

1 overall betterment of the district.

2 F. Parcel Fee. The governing authority of Jefferson Parish is hereby
3 authorized to impose and collect a parcel fee within the district subject to and
4 in accordance with the provisions of this Subsection.

5 (1) The amount of the fee shall be based upon recommendations by a
6 duly adopted resolution of the advisory board. The fee shall be a flat fee per
7 improved parcel of land not to exceed one hundred dollars per each improved
8 parcel for calendar year 2010; however, once each calendar year after 2010, the
9 governing authority may by majority vote increase the maximum by twenty-five
10 dollars if such increase is also recommended by the advisory board.

11 (2) The fee shall be imposed on each improved parcel located within the
12 district except as provided in Paragraph (4) of this Subsection.

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

16 (b) The owner of each parcel shall be responsible for payment of the fee.

17 (3)(a) The fee shall be imposed only after the question of its imposition
18 has been approved by a majority of the registered voters of the district who vote
19 on the proposition at an election held for that purpose in accordance with the
20 Louisiana Election Code. The amount of the fee may be changed by a duly
21 adopted resolution of the advisory board, not to exceed the maximum amount
22 authorized as provided in this Subsection. No other election shall be required
23 except as provided by this Paragraph.

24 (b) The initial election on the question of the imposition of the fee shall
25 be held at the same time as a regularly scheduled election in Jefferson Parish.

26 (c) If approved, the fee shall expire on December 31, 2014, but the fee
27 may be renewed if approved by a majority of the registered voters of the district
28 voting on the proposition at an election as provided in Subparagraph (a) of this
29 Paragraph. Any election to authorize the renewal of the fee shall be held at the
30 same time as a regularly scheduled election in Jefferson Parish. If the fee is

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

3 (4) No fee shall be imposed upon any parcel whose owner qualified for
4 the special assessment level provided by Article VII, Section 18(G)(1) of the
5 Constitution of Louisiana.

6 (5) The fee shall be collected at the same time and in the same manner
7 as ad valorem taxes on property subject to taxation by the parish are collected.

8 (6) Any parcel fee which is unpaid shall be added to the tax rolls of the
9 parish and shall be enforced with the same authority and subject to the same
10 penalties and procedures as unpaid ad valorem taxes.

11 (7)(a) The proceeds of the fee shall be used solely and exclusively for the
12 purpose and benefit of the district; however, the parish may retain one percent
13 of the amount collected as a collection fee.

14 (b) The governing authority of Jefferson Parish shall remit to the district
15 all amounts collected not more than sixty days after collection.

16 G. Additional Contributions. The district is authorized to solicit and
17 accept additional voluntary contributions and grants to further the purposes of
18 the district.

19 H. Budget. (1) The district, through its governing authority, shall adopt
20 an annual budget in accordance with the Louisiana Local Government Budget
21 Act, R.S. 39:1301 et seq.

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

24 I. Miscellaneous. It is the purpose and intent of this Section that any
25 additional security patrols, public or private, or any other security or other
26 services or betterments provided by the district shall be supplemental to and not
27 be in lieu of personnel and services to be provided in the district by the state or
28 the governing authority of Jefferson Parish or their departments or agencies or
29 by other political subdivisions.

30 J. Dissolution. (1) The district may be dissolved without the vote of the

1 registered voters of the district if a majority of the area covered by the district
2 becomes included in another district that serves similar purposes but includes
3 additional parcels of property adjacent to the district, if approved by the
4 affirmative vote of not less than five members of the governing authority. If the
5 district is dissolved in accordance with this Paragraph, the funds of the district
6 that relate to the portion of the district that is included in the new district,
7 together with any other funds collected by the governing authority of Jefferson
8 Parish pursuant to this Section that relate to such portion of the district, shall
9 be transferred to the new district to be used for purposes of the new district.
10 The remaining portion of funds, if any, shall be transmitted to the governing
11 authority of Jefferson Parish and such funds shall be used only for law
12 enforcement, security, improvement, and beautification purposes of the area
13 that was formerly within the district but is not included in the new district.

14 (2) If the district is dissolved pursuant to Paragraph (1) of this
15 Subsection, the authority for the imposition of the parcel fee provided in
16 Subsection F of this Section shall cease.

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

21 (2) No advisory board member, member of the governing authority, or
22 officer of the district shall be liable to the district or to any individual who
23 resides, owns property, visits, or otherwise conducts business in the district for
24 monetary damages for breach of his duties as an advisory board member,
25 member of the governing authority, or officer, provided that the foregoing
26 provision shall not eliminate or limit the liability of an advisory board member,
27 member of the governing authority, 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 an advisory board
 3 member, member of the governing authority, or officer shall not be individually
 4 liable for any act or omission arising out of the performance of his duties.

5 Section 2. This Act shall become effective on July 1, 2010.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____