

SENATE BILL NO. 393

BY SENATOR CLAITOR

1 AN ACT

2 To enact R.S. 33:9097.8, relative to crime prevention and improvement districts; to create
3 the Shenandoah Estates Crime Prevention and Improvement District in East Baton
4 Rouge Parish; to provide for the powers and duties of the district and its board of
5 commissioners; to provide for a parcel fee; to provide with respect to termination of
6 the district; and to 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. 33:9097.8 is hereby enacted to read as follows:

10 **§9097.8. Shenandoah Estates Crime Prevention and Improvement District**

11 **A. Creation. There is hereby created within the parish of East Baton**
12 **Rouge, as more specifically provided in Subsection B of this Section, a body**
13 **politic and corporate which shall be known as the Shenandoah Estates Crime**
14 **Prevention and Improvement District, hereinafter referred to as the "district".**
15 **The district shall be a political subdivision of the state as defined in the**
16 **Constitution of Louisiana.**

17 **B. Boundaries. The boundaries of the district shall be that area within**
18 **Filings 1 through 30 of the Shenandoah Estates Subdivision in East Baton**
19 **Rouge Parish as established in the official subdivision plat filed with the clerk**
20 **of court of East Baton Rouge Parish.**

1 C. Purpose. The district is established for the purpose of promoting and
2 encouraging security in the area included within the district and promoting and
3 encouraging the beautification and overall betterment of the district.

4 D. Governance. (1) The district shall be governed by a nine-member
5 board of commissioners, referred to in this Section as the "board". The board
6 shall be composed as follows:

7 (a) The president of the Shenandoah Estates Homeowners' Association,
8 Inc., referred to in this Section as the "association".

9 (b) The board of directors of the association shall appoint four members.

10 (c) The mayor-president of East Baton Rouge Parish shall appoint one
11 member from a list of nominations submitted by the association.

12 (d) The member of the governing authority of East Baton Rouge Parish
13 whose council district encompasses all or the greater portion of the area of the
14 district shall appoint one member from a list of nominations submitted by the
15 association.

16 (e) The member of the Louisiana House of Representatives whose
17 district encompasses all or the greater portion of the area of the district shall
18 appoint one member.

19 (f) The member of the Louisiana Senate whose district encompasses all
20 or the greater portion of the area of the district shall appoint one member.

21 (2) All members of the board shall be residents of the district.

22 (3)(a) Board members serving pursuant to Subparagraphs (1)(b)
23 through (f) of this Subsection shall serve four-year terms after initial terms as
24 provided in this Subparagraph. Two members shall serve initial terms of one
25 year; two shall serve initial terms of two years; two shall serve initial terms of
26 three years; and two shall serve initial terms of four years, as determined by lot
27 at the first meeting of the board.

28 (b) The member serving pursuant to Subparagraph (1)(a) of this
29 Subsection shall serve during his term of office as president of the association.

30 (c) Any vacancy which occurs prior to the expiration of the term for

1 which a member of the board has been appointed shall be filled for the
2 remainder of the unexpired term in the same manner as the original
3 appointment. Board members shall be eligible for reappointment.

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

7 (5) The minute books and archives of the district shall be maintained by
8 the secretary of the board. The monies, funds, and accounts of the district shall
9 be in the official custody of the board.

10 (6) The board shall adopt such rules and regulations as it deems
11 necessary or advisable for conducting its business affairs. Rules and regulations
12 of the board relative to the notice and conduct of meetings shall conform to
13 applicable law, including, if applicable, R.S. 42:4.1 et seq., relative to open
14 meetings. The board shall hold regular meetings as shall be provided for in the
15 bylaws and may hold special meetings at such times and places within the
16 district as may be prescribed in the bylaws.

17 (7) A majority of the members of the board shall constitute a quorum
18 for the transaction of business. The board shall keep minutes of all meetings
19 and shall make them available through the secretary of the board.

20 (8) Each member of the board shall have one vote, and the vote of a
21 majority of the members of the board present and voting, a quorum being
22 present, shall be required to decide any question upon which the board takes
23 action.

24 (9) The members of the board shall serve without compensation but
25 shall be reimbursed for their reasonable out-of-pocket expenses directly related
26 to the governance of the district.

27 E. Powers and Duties. The district, acting through its board, shall have
28 the following powers and duties:

29 (1) To sue and be sued.

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

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

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

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

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

12 (7) To provide for such services and make such expenditures as the
13 board deems proper for the upkeep of the district.

14 (8) To acquire or lease items and supplies which the board deems
15 instrumental to achieving the purposes of the district.

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

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

23 F. Parcel Fee. The governing authority of East Baton Rouge Parish is
24 hereby authorized to impose and collect a parcel fee within the district subject
25 to and in accordance with the provisions of this Subsection.

26 (1) The amount of the fee shall be as requested by duly adopted
27 resolution of the board. The fee shall be a flat fee per improved parcel of land
28 not to exceed one hundred fifty dollars per year for each improved parcel,
29 starting with fifty dollars for the first calendar year.

30 (2) The fee shall be imposed on each improved parcel located within the

1 district except as provided in Paragraph (4) of this Subsection.

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

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

6 (3)(a)(i) The fee of fifty dollars for the first calendar year, subject to
7 change thereafter by duly adopted resolution of the board, not to exceed the
8 maximum amount authorized as provided in this Subsection, shall be imposed
9 only after the question of its imposition and the board's authority to increase
10 the fee has been approved by a majority of the registered voters of the district
11 who vote on the proposition at an election held for that purpose in accordance
12 with the Louisiana Election Code.

13 (ii) No other election shall be required except as provided by this
14 Paragraph.

15 (b) The initial election on the question of the imposition of the fee shall
16 be held at the same time as a regularly scheduled election in East Baton Rouge
17 Parish.

18 (c) If approved, the fee and the board's authority to increase it shall
19 expire in five years, but the fee and board authority may be renewed if
20 approved by a majority of the registered voters of the district voting on the
21 proposition at an election as provided in Subparagraph (a) of this Paragraph.
22 Any election to authorize the renewal of the fee shall be held only at the same
23 time as the regular scheduled election for East Baton Rouge Parish. If the fee
24 and board authority is renewed, the term of the imposition of the fee shall be as
25 provided in the proposition authorizing such renewal, not to exceed eight years.

26 (4) No fee shall be imposed upon any parcel whose owner qualifies for
27 and receives the special assessment level provided by Article VII, Section
28 18(G)(1) of the Constitution of Louisiana.

29 (5) The fee shall be collected at the same time and in the same manner
30 as ad valorem taxes on property subject to taxation by East Baton Rouge Parish

1 are collected.

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

5 (7)(a) The proceeds of the fee shall be used solely and exclusively for the
6 purpose and benefit of the district; however, the East Baton Rouge Parish
7 Sheriff may retain one percent of the amount collected as a collection fee.

8 (b) The East Baton Rouge Parish Sheriff shall remit to the district all
9 amounts collected not more than sixty days after collection.

10 G. Additional Contributions. The district is authorized to solicit and
11 accept additional voluntary contributions and grants to further the purposes of
12 the district.

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

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

17 I. Miscellaneous. It is the purpose and intent of this Section that any
18 additional security patrols, public or private, or any other security or other
19 services or betterments provided by the district shall be supplemental to and not
20 be in lieu of personnel and services to be provided in the district by the state of
21 Louisiana, East Baton Rouge Parish, or their departments or agencies or by
22 other political subdivisions.

23 J. Dissolution. (1) The district may be dissolved without the vote of the
24 registered voters of the district if a majority of the area covered by the district
25 becomes included in another district that serves similar purposes but includes
26 additional parcels of property adjacent to the district, if approved by the
27 affirmative vote of not less than five members of the board. If the district is
28 dissolved in accordance with this Paragraph, the funds of the district that relate
29 to the portion of the district that is included in the new district, together with
30 any other funds collected by the parish of East Baton Rouge pursuant to this

1 Section that relate to such portion of the district, shall be transferred to the new
 2 district to be used for purposes of the new district. The remaining portion of
 3 funds, if any, shall be transmitted by the board to the parish of East Baton
 4 Rouge and such funds shall be used only for law enforcement, security,
 5 improvement, and beautification purposes of the area that was formerly within
 6 the district but is not included in the new district.

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

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

14 (2) No board member or officer of the district shall be liable to the
 15 district or to any individual who resides, owns property, visits, or otherwise
 16 conducts business in the district for monetary damages for breach of his duties
 17 as a board member or officer, provided that the foregoing provision shall not
 18 eliminate or limit the liability of a board member or officer for any of the
 19 following:

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

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

24 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
 25 9:2792.1 through 2792.9, a person serving the district as a board member or
 26 officer shall not be individually liable for any act or omission arising out of the
 27 performance of his duties.

28 Section 2. This Act shall become effective upon signature by the governor or, if not
 29 signed by the governor, upon expiration of the time for bills to become law without signature
 30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____