

2015 Regular Session

HOUSE BILL NO. 527

BY REPRESENTATIVE BARROW

DISTRICTS/CRIME PREVENT: Creates the Forest Heights Park Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish

1 AN ACT

2 To enact R.S. 33:9097.25, relative to East Baton Rouge Parish; to create the Forest Heights
3 Park Crime Prevention and Neighborhood Improvement District within the parish;
4 to provide relative to the boundaries, purpose, governance, and powers and duties of
5 the district; to provide relative to district funding, including the authority to impose
6 a parcel fee within the district; to provide with respect to termination of the district;
7 and to provide for related 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. 33:9097.25 is hereby enacted to read as follows:

13 §9097.25. Forest Heights Park Crime Prevention and Neighborhood Improvement
14 District

15 A. Creation. There is hereby created within the parish of East Baton Rouge,
16 as more specifically provided in Subsection B of this Section, a body politic and
17 corporate which shall be known as the Forest Heights Park Crime Prevention and
18 Neighborhood Improvement District, referred to in this Section as the "district". The
19 district shall be a political subdivision of the state as defined in the Constitution of
20 Louisiana.

1 B. Boundaries. (1) The district shall include the area within the following
2 boundaries, which only includes the Second Filing of Forest Heights Park final plat
3 filed on December 9, 1965 and the Third Filing final plat filed on December 1, 1967:
4 beginning at the intersection of Mickens Road and Willow Springs Avenue, east
5 along Willow Springs Avenue (north and south sides) including the intersections on
6 the south side at Branchwood Drive and Leafwood Drive until Willow Springs
7 Avenue intersects with East Belvin Drive, then north on East Belvin Drive (east and
8 west sides) until it dead ends, also south on East Belvin Drive (east and west sides)
9 including the intersection on the west side at Pine Island Avenue that also intersects
10 with Branchwood and Leafwood Drive which makes a circle, continue south on East
11 Belvin Drive until it turns east and becomes Modesto Avenue, then east on Modesto
12 Avenue (north and south sides) until it dead ends, Modesto Avenue also includes
13 intersections on the north side at Carlene Avenue and Baja Drive, Carlene Avenue
14 runs north (east and west sides) then makes a northeast circle with it until it re-
15 intersects with Modesto Avenue, also while on Carlene Avenue heading north on the
16 west side its intersection with Chisholm Avenue, Chisholm Avenue runs east (north
17 and south sides) until it dead ends into Baja Drive, Baja Drive runs north and south
18 and dead ends into Modesto Avenue on the south end and dead ends to Carlene
19 Avenue on the north end.

20 (2) The district shall also include the property located on the north side of
21 Carlene Avenue which consists of approximately five acres of land on which is
22 situated a pool, park, and other recreational facilities.

23 (3) The district shall not include any property located in the First Filing of
24 Forest Heights Park, or on Mickens Road south of Hooper Road and northwest of
25 Lanier Drive.

26 C. Purpose. The purpose of the district shall be to aid in crime prevention
27 and to add to the security of district residents by providing for an increase in the
28 presence of law enforcement personnel in the district and to serve the needs of the

1 residents of the district by funding beautification and improvements for the overall
2 betterment of the district.

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

6 (a) The board of directors of the Forest Heights Park Homeowners
7 Association shall appoint four members.

8 (b) The member of the Louisiana House of Representatives whose district
9 encompasses all or the greater portion of the area of the district shall appoint one
10 member.

11 (c) The member of the Louisiana Senate whose district encompasses all or
12 the greater portion of the area of the district shall appoint one member.

13 (d) The assessor for the parish of East Baton Rouge shall appoint one
14 member.

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

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

21 (b) Members shall be eligible for reappointment.

22 (4) Any vacancy in the membership of the board, occurring either by reason
23 of the expiration of the term for which appointed or by reason of death, resignation,
24 or otherwise, shall be filled in the manner of the original appointment. If the
25 appointing authority responsible for the appointment of a member fails to fill a
26 vacancy within thirty days, the remaining members of the board shall appoint an
27 interim successor to serve until the position is filled by the appointing authority.

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

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

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

10 (8) The board shall adopt such rules and regulations as it deems necessary
11 or advisable for conducting its business affairs. Rules and regulations of the board
12 relative to the notice and conduct of meetings shall conform to applicable law. The
13 board shall hold regular meetings as shall be provided for in the bylaws and may
14 hold special meetings at such times and places within the district as may be
15 prescribed in the bylaws.

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

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

22 (11) The domicile of the board shall be within the district.

23 E. Powers and duties. The district, acting through its board, shall have the
24 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 of this
28 Section and in accordance with a budget adopted as provided by Subsection H of this
29 Section.

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

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

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

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

10 (8) To acquire or lease items and supplies which the board deems necessary
11 for the achievement of the purposes of the district.

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

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

19 F. Parcel fee. The district may impose and collect a parcel fee within the
20 district subject to and in accordance with the provisions of this Subsection.

21 (1)(a) The fee shall be imposed on each improved and unimproved parcel
22 located within the district. The owner of the parcel shall be responsible for payment
23 of the fee.

24 (b) For the purposes of this Section, "parcel" is defined as a lot, a subdivided
25 portion of ground, or an individual tract which is zoned residential; however, the
26 term "parcel" shall not include "condominium parcel" or "condominium property"
27 as defined in R.S. 9:1121.103.

1 (2)(a) The initial amount of the fee shall be as provided by duly adopted
2 resolution of the governing authority of the district. The initial fee shall not exceed
3 one hundred twenty dollars per parcel per year.

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

8 (3) Not less than five years after approval of the parcel fee by a majority of
9 the registered voters of the district as provided in this Subsection, the governing
10 authority of the district may increase the amount of the parcel fee one time without
11 election. The amount of the increased fee shall be as provided in a duly adopted
12 resolution of the board, not to exceed two hundred fifty dollars per parcel per year.

13 (4) A parcel fee shall expire ten years after its levy but may be renewed if
14 the renewal is approved by the voters in the manner provided in Subparagraph (2)(b)
15 of this Subsection. The renewed fee shall not exceed two hundred fifty dollars per
16 parcel per year. If renewed, the term of the imposition of the fee shall be as provided
17 in the proposition authorizing such renewal, not to exceed ten years.

18 (5) The fee shall be collected at the same time and in the same manner as ad
19 valorem taxes are collected by the sheriff, as ex officio tax collector, of the parish of
20 East Baton Rouge. The sheriff shall collect and remit to the district all amounts
21 collected. The district may enter into an agreement with the sheriff to authorize the
22 sheriff to retain a collection fee.

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

26 G. Additional contributions. The district may solicit and accept additional
27 voluntary contributions and grants to further the purposes of the district.

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

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

6 I. Miscellaneous provisions. (1) It is the purpose and intent of this Section
7 that the additional law enforcement personnel and their services provided for through
8 the fees authorized in this Section shall be supplemental to and not in lieu of
9 personnel and services provided in the district by the city of Baton Rouge, parish of
10 East Baton Rouge.

11 (2) If the district ceases to exist, any funds of the district shall be transmitted
12 to the governing authority of the city of Baton Rouge, parish of East Baton Rouge
13 and shall be used for law enforcement purposes in the area which comprised the
14 district.

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

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

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

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

27 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
28 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.

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)]

HB 527 Original

2015 Regular Session

Barrow

Abstract: Creates the Forest Heights Park Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish in order to aid in crime prevention and to add to fund improvements for the district. Provides for a board of commissioners and for the imposition and use of a parcel fee.

Proposed law creates the Forest Heights Park Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish as a political subdivision of the state in order to aid in crime prevention and to add to the security of district residents by providing for an increase in the presence of law enforcement personnel in the district. Provides for district boundaries.

Proposed law provides that the district shall be governed by a seven-member board of commissioners composed as follows:

- (1) Four members appointed by the board of directors of the Forest Heights Park Homeowners Assoc.
- (2) One member appointed by the La. House of Representatives whose district encompasses all or the greater portion of the area of the district.
- (3) One member appointed by the La. Senate whose district encompasses all or the greater portion of the area of the district.
- (4) One member appointed by the assessor for East Baton Rouge Parish.

Proposed law provides for the district's powers and duties, 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 into contracts and agreements with one or more other districts for the joint security, improvement, or betterment of all participating districts.
- (5) To perform or have performed any other function or activity necessary for achieving the district's purpose.

Proposed law authorizes the district, subject to voter approval, to impose and collect a parcel fee within the district. Provides that the initial amount of the fee shall not exceed \$120. Requires that the fee be imposed on each improved and unimproved parcel located within the district. Authorizes the board, not less than five years from the initial imposition of the fee, to increase the fee one time without election, not to exceed \$250.

Proposed law defines parcel as a lot, a subdivided portion of ground, or an individual tract which is zoned residential. Provides that the term shall not include condominium parcel or condominium property as defined in present law.

Proposed law provides that the fee shall expire 10 years after its levy but authorizes renewal of the fee. Provides that the amount of the renewal shall not exceed \$250 and 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 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 the sheriff to retain a collection fee and otherwise requires the sheriff to remit to the district all amounts collected.

Proposed law authorizes the district to solicit voluntary contributions and grants to further district purposes.

Proposed law requires the board 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 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-parish.

Proposed law provides that if the district ceases to exist, all district funds shall be transmitted to the city-parish to be used for law enforcement purposes in the area which comprised 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. Provides that no board member or officer shall be liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for monetary damages for breach of duties. However, provides that this shall not eliminate or limit the liability of a board member or officer for:

- (1) Acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law.
- (2) Any transaction from which he derived an improper personal benefit.

Proposed law provides that a board member or officer shall not be individually liable for any act or omission arising out of the performance of his duties to the fullest extent permitted by present law relative to limitation of liability of directors, officers, and trustees of certain organizations and districts.

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

(Adds R.S. 33:9097.25)