

2019 Regular Session

HOUSE BILL NO. 406

BY REPRESENTATIVE IVEY

DISTRICTS/CRIME PREVENT: Creates the Fairwood Crime Prevention and Improvement District

1 AN ACT

2 To enact R.S. 33:9097.30, relative to East Baton Rouge Parish; to create a crime prevention
3 and improvement district; to provide for the governance of the district; to provide for
4 the duties and powers of the district; to provide for the levy of a parcel fee within the
5 district; and to provide for related matters.

6 Notice of intention to introduce this Act has been published
7 as provided by Article III, Section 13 of the Constitution of
8 Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:9097.30 is hereby enacted to read as follows:

11 §9097.30. Fairwood Crime Prevention and Improvement District

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

17 B. Boundaries. The boundaries of the district shall be coterminous with the
18 boundaries of the Country Ridge, Fairwood Estates, and Sherwood Manor
19 subdivisions in East Baton Rouge Parish as established by the official subdivision
20 plats thereof filed with the clerk of court of East Baton Rouge Parish.

1 C. Purpose. The purpose of the district shall be to aid in crime prevention,
2 to enhance security within the district, to provide for an increase in security patrols
3 in the district, and to promote and encourage the beautification and overall
4 betterment of the district.

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

8 (a) The board of directors of the Country Ridge Homeowners Association
9 shall appoint one member.

10 (b) The board of directors of the Fairwood Estates Homeowners Association
11 shall appoint one member.

12 (c) The board of directors of the Sherwood Manor Homeowners Association
13 shall appoint one member.

14 (d) The member of the Louisiana House of Representatives whose district
15 encompasses all or the greater portion of the area of the district shall appoint one
16 member.

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

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

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

25 (b) Members shall be eligible for reappointment.

26 (4) Any vacancy in the membership of the board shall be filled in the manner
27 of the original appointment. If the appointing authority responsible for the
28 appointment of a member fails to fill a vacancy within thirty days, the remaining

1 members of the board may appoint an interim successor to serve until the position
2 is filled by the appointing authority.

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

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

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

13 (8) The board shall adopt such rules and regulations as it deems necessary
14 or advisable for conducting its business affairs. The board shall hold regular
15 meetings as shall be provided for in the bylaws and may hold special meetings at
16 such times and places within East Baton Rouge Parish as may be prescribed in the
17 bylaws.

18 (9) A majority of the membership of the board shall constitute a quorum for
19 the transaction of business, and all official action of the board shall require the
20 favorable vote of a majority of those members present and voting.

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

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

24 (1) To sue and be sued.

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

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

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

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

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

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

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

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

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

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

21 (1)(a) The fee shall be imposed on each parcel located within the district.

22 (b) For purposes of this Section, "parcel" means a lot, a subdivided portion
23 of ground, or an individual tract; however, the term "parcel" shall not mean multi-
24 family residential dwellings located within the boundaries of the district.

25 (2)(a) The amount of the parcel fee shall be as provided in a duly adopted
26 resolution of the board. The fee shall be a flat fee per parcel of land not to exceed
27 one hundred dollars per year for residential parcels and five hundred dollars per year
28 for commercial parcels. The initial fee imposed on each residential parcel during the
29 first calendar year shall not exceed forty dollars. The initial fee imposed on each

1 commercial parcel during the first calendar year shall not exceed two hundred
2 dollars.

3 (b) The board may increase the fees one time during each subsequent
4 calendar year not to exceed ten percent of the amounts of the fees imposed during
5 the previous calendar year; however, the amounts of the fees shall not exceed the
6 maximum amounts authorized in Subparagraph (a) of this Paragraph.

7 (c) No fee may be imposed or increased pursuant to the provisions of this
8 Subsection unless the question of its imposition and the board's authority to increase
9 the fee has been approved by a majority of the registered voters of the district who
10 vote on the proposition at an election held for that purpose in accordance with the
11 Louisiana Election Code.

12 (d) If approved, the fee and the board's authority to increase the fee shall
13 expire in fifteen years, but the fee and the board's authority to increase the fee may
14 be renewed if approved by a majority of the registered voters of the district voting
15 on the proposition at an election as provided in Subparagraph (c) of this Paragraph.
16 If the fee and the board's authority to increase the fee is renewed, the term of the
17 imposition of the fee shall be as provided in the proposition authorizing such
18 renewal, not to exceed fifteen years.

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

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

28 G. Additional contributions. The district may solicit, accept, and expend
29 additional voluntary contributions and grants to carry out the purposes of the district.

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

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

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

10 (2) If the district ceases to exist:

11 (a) All funds, equipment, and property shall be transmitted to the parish of
12 East Baton Rouge and shall be used for law enforcement purposes in the area
13 included within the district.

14 (b) The authority for the imposition of the parcel fee provided in this Section
15 shall cease.

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

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

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

27 (b) Any transaction from which he or she derived an improper personal
28 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 a board member or officer
 3 shall not be individually liable for any act or omission arising out of the performance
 4 of his duties.

5 Section 2. This Act shall become effective upon signature by the governor or, if not
 6 signed by the governor, upon expiration of the time for bills to become law without signature
 7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 9 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 406 Engrossed

2019 Regular Session

Ivey

Abstract: Creates the Fairwood Crime Prevention and Improvement District in East Baton Rouge Parish.

Proposed law creates the Fairwood Crime Prevention and Improvement District in East Baton Rouge Parish for the purpose of promoting and encouraging the beautification, security, and betterment of the district. Provides for district boundaries.

Proposed law provides that the district shall be governed by a five-member board of commissioners, all of whom shall own property in and be residents and qualified voters of the district, composed as follows:

- (1) One member appointed by the board of directors of the Country Ridge Homeowners Assoc.
- (2) One member appointed by the board of directors of the Fairwood Estates Homeowners Assoc.
- (3) One member appointed by the board of directors of the Sherwood Manor Homeowners Assoc.
- (4) One member appointed by the member of the La. House of Representatives whose district encompasses all or the greater portion of the area of the district.
- (5) One member appointed by the member of the La. Senate whose district encompasses all or the greater portion of the area of the district.

Proposed law provides that members serve without compensation but shall be reimbursed for their reasonable out-of-pocket expenses directly related to the governance of the district, not to exceed \$100 per year.

Proposed law provides relative to the powers and duties of the district.

Proposed law authorizes the district, subject to voter approval, to impose and collect a parcel fee within the district. Provides that the amount of the fee shall not be more than \$100 per residential parcel per year and \$500 per commercial parcel per year. Requires that the fee not exceed \$40 per residential parcel during the 1st year and \$200 per commercial parcel during the 1st year. Requires that a fee be imposed on each parcel located within the district.

Proposed law defines "parcel" as a lot, a subdivided portion of ground, or an individual tract.

Proposed law provides that the fee shall expire 15 years after its initial levy but authorizes renewal of that fee. Provides that the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed 15 years. Further provides that the fee shall be collected at the same time and in the same manner as ad valorem taxes and that any unpaid fee shall be added to the parish tax rolls and enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes. Requires the tax collector to remit amounts collected to the district not later than 60 days after collection, but authorizes the board to enter into a contract with the tax collector authorizing the tax collector to retain a collection fee.

Proposed law provides that the district shall adopt an annual budget in accordance with present law (R.S. 39:1301 et seq.) and shall be subject to audit by the legislative auditor's office.

Proposed law provides that the intent of proposed law is to enhance the law enforcement personnel and services provided by the city and not to be in lieu of such services. Further provides that if the district ceases to exist, all of its funds shall be transmitted to the governing authority of the parish of East Baton Rouge and shall be used for law enforcement purposes in the area formerly comprising the district. Further provides that upon dissolution of the district, the authority to levy the parcel fee provided for in proposed law shall cease.

Proposed law provides for indemnification of board members by the district and limits board member liability for acts or omissions arising out of the performance of a member's duties.

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

(Adds R.S. 33:9097.30)