

2019 Regular Session

HOUSE BILL NO. 406

BY REPRESENTATIVE IVEY

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.

21 C. Purpose. The purpose of the district shall be to aid in crime prevention,  
22 to enhance security within the district, to provide for an increase in security patrols

1 in the district, and to promote and encourage the beautification and overall  
2 betterment of the district.

3 D. Governance. (1) The district shall be governed by a five-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 Country Ridge Homeowners Association  
7 shall appoint one member.

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

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

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

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

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

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

23 (b) Members shall be eligible for reappointment.

24 (4) Any vacancy in the membership of the board shall be filled in the manner  
25 of the original appointment. If the appointing authority responsible for the  
26 appointment of a member fails to fill a vacancy within thirty days, the remaining  
27 members of the board may appoint an interim successor to serve until the position  
28 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 deems necessary. The duties of  
3           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 reasonable out-of-pocket expenses directly related to the governance  
6           of the district, not to exceed one hundred dollars per year.

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

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

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

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

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

22               (1) To sue and be sued.

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

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

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

28               (5) To provide or enhance security patrols in the district, to provide for  
29          improved lighting, signage, or matters relating to the security of the district, to

1 provide for the beautification of and improvement to the district, and to provide  
 2 generally for the overall betterment of the district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8                   (2) If the district ceases to exist:

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

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

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

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

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

25                  (b) Any transaction from which he or she derived an improper personal  
26                  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  
29                  shall not be individually liable for any act or omission arising out of the performance  
30                  of his duties.

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

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