

Regular Session, 2009

HOUSE BILL NO. 283

BY REPRESENTATIVE WHITE

DISTRICTS/NEIGHBORHOOD: Creates the Greenwood Crime Prevention and Improvement District in East Baton Rouge Parish

1 AN ACT

2 To enact R.S. 33:9097.5, relative to East Baton Rouge Parish; to create the Greenwood
3 Crime Prevention and Improvement District; to provide the boundaries of the
4 district; to provide for the governance of the district; to provide for the powers,
5 terms, and duties of the board of directors; to provide for the imposition and
6 collection of a parcel fee and for the use thereof; to provide for dissolution of the
7 district; 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. 33:9097.5 is hereby enacted to read as follows:

13 §9097.5. Greenwood Crime Prevention and Improvement District

14 A. Creation. There is hereby created within the parish of East Baton Rouge,
15 as more specifically provided in Subsection B of this Section, a body politic and
16 corporate which shall be known as the Greenwood Crime Prevention and
17 Improvement District, hereafter in this Section referred to as the "district". The
18 district shall be a political subdivision of the state as defined in the Constitution of
19 Louisiana. The purposes of the district shall be to aid in crime prevention by
20 providing security for district residents and to serve the needs of the residents of the

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

3 B. Boundaries. The boundaries of the district are coterminous with the
4 boundaries of Greenwood Subdivision as established in the official subdivision plat
5 filed with the clerk of court for East Baton Rouge Parish.

6 C. Board. (1) The district shall be governed by a board of commissioners
7 consisting of seven members as follows:

8 (a) The president of the Greenwood Civic Association, or its successor.

9 (b) Two members appointed by the board of directors of the Greenwood
10 Civic Association, or its successor.

11 (c) One member appointed by the member or members of the Louisiana
12 House of Representatives who represent the area which comprises the district.

13 (d) One member appointed by the member or members of the Louisiana
14 Senate who represent the area which comprises the district.

15 (e) One member appointed by the member or members of the East Baton
16 Rouge Parish Metro Council who represent the area which comprises the district.

17 (f) One member appointed by the mayor-president of Baton Rouge.

18 (2) All members of the board shall own immovable property within the
19 district.

20 (3) All members of the board shall serve without compensation but may
21 receive reimbursement for approved expenses directly related to the governance of
22 the district.

23 (4) The domicile of the board shall be within the district.

24 (5) The board is authorized to adopt bylaws for its governance and conduct.

25 (6) The board shall hold regular meetings as provided for in its bylaws and
26 may hold special meetings at such times and places within the district as provided
27 in the bylaws.

28 (7) The board shall keep minutes of all meetings.

1 (8) A majority of the board shall constitute a quorum for conducting business
2 of the board.

3 D. Terms. (1)(a) Appointed members of the board shall serve two-year
4 terms after initial terms as provided in Subparagraph (b) of this Paragraph.

5 (b) Two members shall serve initial terms of one year, two shall serve initial
6 terms of eighteen months, and two shall serve initial terms of two years, all as
7 determined by lot at the first meeting of the board.

8 (2) Any board member who misses four meetings shall be disqualified and
9 removed automatically from office.

10 (3) Vacancies shall be filled in the manner of the original appointment. A
11 member shall be eligible for reappointment unless he was removed pursuant to
12 Paragraph (2) of this Subsection.

13 (4) The members of the board shall select from among themselves a
14 president and such other officers as they deem appropriate, whose responsibilities
15 shall be as provided by the bylaws of the board.

16 E. Powers and duties. The district, acting through its board of
17 commissioners, shall have the following powers and duties:

18 (1) To sue and be sued.

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

20 (3) To receive and expend funds collected pursuant to Subsection F of this
21 Section and in accordance with a budget adopted as provided by Subsection G of this
22 Section.

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

24 (5) To perform or have performed any function or activity the board deems
25 necessary to carry out the purposes of the district.

26 (6) To accept private grants and donations.

27 (7) To procure and maintain liability insurance against any personal or legal
28 liability of a board member that may be asserted or incurred based upon his service

1 as a member of the board or that may arise as a result of his actions taken within the
2 scope and discharge of his duties as a member of the board.

3 F. Parcel fee. The governing authority of East Baton Rouge Parish is hereby
4 authorized to impose and collect a parcel fee within the district subject to and in
5 accordance with the provisions of this Subsection:

6 (1) The amount of the fee shall be as determined by duly adopted resolution
7 of the board. The fee, however, shall not exceed one hundred twenty-five dollars per
8 parcel per year.

9 (2) The fee shall be imposed on each parcel located within the district. The
10 term "parcel" as used in this Subsection shall mean a developed or undeveloped lot.
11 The owner of the parcel shall be responsible for payment of the fee.

12 (3)(a) The fee shall be imposed only after the question of its imposition has
13 been approved by a majority of the registered voters of the district voting on the
14 proposition at an election held for that purpose in accordance with the Louisiana
15 Election Code. At least thirty days prior to any election held to approve imposition
16 of a parcel fee, the board of commissioners shall mail notification of the upcoming
17 election to each registered voter of the district and to the owner of a parcel if the
18 owner is not a registered voter of the district. No other election shall be required
19 except as provided by this Paragraph.

20 (b) The fee shall expire ten years from its initial levy but may be renewed in
21 the same manner as its imposition.

22 (4) The fee shall be collected at the same time and in the same manner as ad
23 valorem taxes are collected by the parish.

24 (5) The parish of East Baton Rouge shall collect the fee at the same time and
25 in the same manner as ad valorem taxes are collected and shall maintain the proceeds
26 of the fee collected pursuant to this Section in a separate account until such proceeds
27 are disbursed to the district.

28 (6) The parish of East Baton Rouge shall remit to the district all amounts
29 collected not more than sixty days after collection. However, the board may enter

1 into an agreement with the parish to authorize the parish to retain, as a collection fee,
2 not more than one percent of the amount collected.

3 (7) Any parcel fee which is unpaid shall be added to the tax rolls of the
4 parish and shall be enforced with the same authority and subject to the same
5 penalties and procedures as unpaid ad valorem taxes.

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

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

11 H. Dissolution. (1) The district may be dissolved after the question of its
12 dissolution has been approved by a majority of the registered voters of the district
13 voting on the proposition at a regularly scheduled election conducted in accordance
14 with the provisions of the Louisiana Election Code. The question may be placed on
15 the ballot only after it has been approved by the affirmative vote of not less than five
16 members of the board.

17 (2) If the district ceases to exist:

18 (a) All funds of the district shall be transmitted by the board to the parish of
19 East Baton Rouge within thirty days of dissolution. Such transmitted funds, together
20 with any other funds collected by the parish of East Baton Rouge pursuant to this
21 Section, shall be maintained in a separate account by the city and shall be used only
22 to promote, encourage, and enhance the security, beautification, and overall
23 betterment of the area included in the district.

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

26 I. Miscellaneous provision. It is the purpose and intent of this Section that
27 the additional law enforcement personnel and services provided by the district shall
28 be supplemental to and not in lieu of personnel and services provided in the district
29 by the city of Baton Rouge and East Baton Rouge Parish.

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)]

White

HB No. 283

Abstract: Creates the Greenwood Crime Prevention and Improvement District in East Baton Rouge Parish and provides for the boundaries, governance, powers, duties, and funding thereof.

Proposed law creates the Greenwood Crime Prevention and Improvement District in East Baton Rouge Parish with boundaries coterminous with Greenwood Subdivision. The purposes of the district are: providing for an increase in the presence of law enforcement personnel in the district and funding beautification and improvements for the overall betterment of the district.

Proposed law provides that the district shall be governed by a board of seven commissioners, all of whom shall own property in the district. Further provides that the board shall be composed as follows:

- (1) The president of the Greenwood Civic Association, or its successor.
- (2) Two members appointed by the board of directors of the Greenwood Civic Association, or its successor.
- (3) One member appointed by the member(s) of the La. House of Representatives who represent the area which comprises the district.
- (4) One member appointed by the member(s) of the La. Senate who represent the area which comprises the district.
- (5) One member appointed by the member(s) of the East Baton Rouge metro council who represent the area which comprises the district.
- (6) One member appointed by the mayor-president of Baton Rouge.

Proposed law provides for two-year terms for all board members.

Proposed law requires that members serve without compensation but may be reimbursed for approved expenses directly related to the governance of the district.

Proposed law provides that the district, through its board, shall have the following powers and duties:

- (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 with individuals or entities, private or public, for the provision of security patrols in the district.

- (5) To perform or have performed any other function or activity necessary for the achievement of the district's purposes.
- (6) To accept private grants and donations.
- (7) To procure and maintain liability insurance for board members acting in their official capacity.

Proposed law authorizes the East Baton Rouge Parish governing authority, subject to approval by the voters of the district, to impose and collect a parcel fee on all lots within the district. Provides that the amount of the fee shall not exceed \$125 per year and that the owner of each parcel shall be responsible for payment of the fee. Provides that the fee shall expire 10 years after its initial levy and authorizes renewal of such fee in the same manner as its initial imposition.

Proposed law requires the parish to remit to the district all amounts collected not more than 60 days after collection. Authorizes the board to enter into an agreement with the parish to retain a collection fee, not to exceed 1% of the total amount collected.

Proposed law provides for dissolution of the district by a vote of the majority of the registered voters of the district. Further provides that if the district ceases to exist, all funds of the district shall be transmitted to the parish and shall be used exclusively to promote, encourage, and enhance the security, beautification, and overall betterment of the area included in the district.

Proposed law provides that it is the purpose and intent of proposed law that the additional law enforcement personnel and services provided by the district shall be supplemental to and not in lieu of personnel and services provided in the district by the city of Baton Rouge and East Baton Rouge Parish.

(Adds R.S. 33:9097.5)