

Regular Session, 2013

HOUSE BILL NO. 260

BY REPRESENTATIVE ALFRED WILLIAMS

DISTRICTS/CRIME PREVENT: Creates the Goodwood Homesites Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish

1 AN ACT

2 To enact R.S. 33:9097.19, relative to East Baton Rouge Parish; to create the Goodwood
3 Homesites Crime Prevention and Neighborhood Improvement District; to provide
4 relative to the boundaries, purpose, governance, and powers and duties of the district;
5 to provide relative to district funding, including the authority to impose a parcel fee
6 within the district; to provide with respect to termination of the district; and to
7 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. 33:9097.19 is hereby enacted to read as follows:

13 §9097.19. Goodwood Homesites 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 Goodwood Homesites 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. The district shall include all property located within the
2 Goodwood Homesites Subdivision as established in the official subdivision plat filed
3 with the clerk of court of East Baton Rouge Parish. The district shall include all
4 residential and commercial parcels located on the following streets within the
5 designated range of addresses: 7700-8800 Airline Highway, 8504-8836 Airway
6 Drive, 8076-8284 Albert Drive, 343-588 Fernwood Drive, 9065-8299 Franwood
7 Drive, 8134-8263 Gladewood, 8257-8461 Greenmoss Drive, 8044-8545 Harry
8 Drive, 966-8342 Landwood Drive, 1625-2300 N. Airway Drive, 943-1163
9 Orangewood Drive, 674-988 Princewood Court, 8021-8266 Queenswood Court,
10 8122-8281 Royalwood Drive, 7878-8056 S. Choctaw Drive, 422-561 Thornwood
11 Drive, 7933-8188 Tom Drive, and 674-1122 Wooddale Boulevard.

12 C. Purpose. The purpose of the district shall be to aid in crime prevention
13 and to add to the security of district residents by providing for an increase in the
14 presence of law enforcement in the district and to serve the needs of the residents of
15 the district by funding beautification and improvements for the overall betterment
16 of the district.

17 D. Governance. (1) The district shall be governed by a board of eleven
18 commissioners, referred to in this Section as the "board". The board shall be
19 composed as follows:

20 (a) The president of the Goodwood Homesites Civic Association, Inc.,
21 referred to in this Section as the "association", shall be a member.

22 (b) The board of directors of the association shall appoint six members.

23 (c) The mayor-president of the city of Baton Rouge, parish of East Baton
24 Rouge shall appoint one member from a list of nominations submitted by the
25 association.

26 (d) The member of the governing authority of the city of Baton Rouge,
27 parish of East Baton Rouge, whose council district encompasses all or the greater
28 portion of the area of the district shall appoint one member from a list of nominations
29 submitted by the association.

1 (e) The member of the Louisiana House of Representatives whose district
2 encompasses all or the greater portion of the area of the district shall appoint one
3 member.

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

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

7 (3)(a) Board members serving pursuant to Subparagraphs (1)(b) through (f)
8 of this Subsection shall serve four-year terms after initial terms as provided in this
9 Subparagraph. Two members shall serve initial terms of one year, two shall serve
10 initial terms of two years, three shall serve initial terms of three years, and three shall
11 serve initial terms of four years, as determined by lot at the first meeting of the
12 board.

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

15 (c) Any vacancy in the membership of the board, occurring either by reason
16 of the expiration of the term for which appointed or by reason of death, resignation,
17 or otherwise, shall be filled in the manner of the original appointment. If the
18 appointing authority responsible for the appointment of a member fails to fill a
19 vacancy within thirty days, the remaining members of the board shall appoint an
20 interim successor to serve until the position is filled by the appointing authority.

21 (4) Board members shall be eligible for reappointment.

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

25 (6) The minute books and archives of the district shall be maintained by the
26 secretary of the board. The monies, funds, and accounts of the district shall be in the
27 official custody of the board. The board may hire paid or unpaid administrative
28 support staff.

1 (7) The board shall adopt such rules and regulations as it deems necessary
2 or advisable for conducting its business affairs. Rules and regulations of the board
3 relative to the notice and conduct of meetings shall conform to the Open Meetings
4 Law. The board shall hold regular meetings as shall be provided for in the bylaws
5 and may hold special meetings at such times and places within the district as may be
6 prescribed in the bylaws.

7 (8) A majority of the members of the board shall constitute a quorum for the
8 transactions of business. The board shall keep minutes of all meetings and shall
9 make them available through the secretary of the board.

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

13 (10) The members of the board shall serve without compensation but shall
14 be reimbursed for their reasonable out-of-pocket expenses directly related to the
15 governance of the district.

16 E. Powers and duties. The district, acting through its board, shall have the
17 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 H of this
22 Section.

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

24 (5) To provide or enhance security patrols in the district, to provide for
25 improved lighting, signage, or matters relating to the safety and security of the
26 district, to provide for the beautification of and improvements for the district, or to
27 provide generally for the overall betterment of all participating districts.

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

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

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

5 (9) To procure and maintain liability insurance against any personal or legal
6 liability of a board member that may be asserted or incurred based upon his services
7 as a member of the board or that may arise as a result of his actions taken within the
8 scope and discharge of his duties as a member of the board.

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

12 F. Parcel fee. The governing authority of the city of Baton Rouge, parish of
13 East Baton Rouge is hereby authorized to impose and collect a parcel fee within the
14 district subject to and in accordance with the provisions of this Subsection.

15 (1) The amount of the fee shall be as requested by duly adopted resolution
16 of the board. The fee shall be a flat fee per parcel of land not to exceed one hundred
17 fifty dollars per year for residential parcels and four hundred fifty dollars per year
18 for commercial parcels; however, the fee shall not exceed seventy dollars per year
19 if any of the owners of the parcel is a person seventy years of age or older.

20 (2) The fee shall be imposed on each improved parcel located within the
21 district.

22 (3) For purposes of this Section, "parcel" means a lot, a subdivided portion
23 of ground, an individual tract, or a "condominium parcel" as defined in R.S.
24 9:1121.103.

25 (4) The owner of the parcel shall be responsible for payment of the fee.

26 (5)(a) The fee shall be imposed only after the question of its imposition has
27 been approved by a majority of the registered voters of the district voting on the
28 proposition at an election held for that purpose in accordance with the Louisiana
29 Election Code. The amount of the fee may be changed by duly adopted resolution

1 of the board, not to exceed the maximum amount authorized in this Subsection. No
2 other election shall be required except as provided by this Paragraph.

3 (b) The fee shall expire five years after its initial levy but may be renewed
4 if approved by a majority of the registered voters of the district voting on the
5 proposition at an election as provided in Subparagraph (a) of this Paragraph. Any
6 election to authorize the renewal of the fee shall be held only at the same time as a
7 regularly scheduled election in the parish of East Baton Rouge. If the fee is renewed,
8 the term of the imposition of the fee shall be as provided in the proposition
9 authorizing such renewal, not to exceed eight years.

10 (6) The fee shall be collected at the same time and in the same manner as ad
11 valorem taxes on property subject to taxation by the parish of East Baton Rouge are
12 collected.

13 (7) Any parcel fee which is unpaid shall be added to the tax rolls of the
14 parish of East Baton Rouge and shall be enforced with the same authority and subject
15 to the same penalties and procedures as unpaid ad valorem taxes.

16 (8)(a) The proceeds of the fee shall be used solely and exclusively for the
17 purpose and benefit of the district.

18 (b) The sheriff of the parish of East Baton Rouge shall remit to the district
19 all amounts collected not more than sixty days after collection; however, the district
20 may enter into an agreement with the sheriff to authorize the sheriff to retain a
21 collection fee.

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

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

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

28 I. Miscellaneous. It is the purpose and intent of this Section that any
29 additional security patrols, public or private, any other security or other services or

1 betterments provided by the district shall be supplemental to and not be in lieu of
2 personnel and services to be provided in the district by the state of Louisiana, the city
3 of Baton Rouge, parish of East Baton Rouge, or their departments or agencies or by
4 any other political subdivision of the state.

5 J. Dissolution. (1) The district may be dissolved without the vote of the
6 registered voters of the district if a majority of the area covered by the district
7 becomes included in another district that serves similar purposes but includes
8 additional parcels of property adjacent to the district, if approved by the affirmative
9 vote of not less than six members of the board. If the district is dissolved in
10 accordance with this Paragraph, the funds of the district that relate to the portion of
11 the district that is included in the new district, together with any other funds collected
12 by the parish of East Baton Rouge pursuant to this Section that relate to such portion
13 of the district, shall be transferred to the new district to be used for purposes of the
14 new district. The remaining portion of funds, if any, shall be transmitted by the
15 board to the parish of East Baton Rouge and such funds shall be used only for law
16 enforcement, security, improvement, and beautification purposes of the area that was
17 formerly within the district but is not included in the new district.

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

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

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

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

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

4 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
 5 9:2792.1 through 2792.9, a person serving the district as a board member or officer
 6 shall not be individually liable for any act or omission arising out of the performance
 7 of his duties.

8 Section 2. This Act shall become effective upon signature by the governor or, if not
 9 signed by the governor, upon expiration of the time for bills to become law without signature
 10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 12 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)]

Alfred Williams

HB No. 260

Abstract: Creates the Goodwood Homesites Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish 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 a board of commissioners and for the imposition and use of a parcel fee.

Proposed law creates the Goodwood Homesites 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 an 11-member board of commissioners composed as follows:

- (1) The president of the Goodwood Homesites Civic Association (association), Inc., shall be a member.
- (2) Six members appointed by the board of directors of the association.
- (3) One member appointed by the mayor-president of the city of Baton Rouge, parish of East Baton Rouge from a list of nominations submitted by the association.

- (4) One member appointed by the member of the governing authority of the city of Baton Rouge, parish of East Baton Rouge whose council district encompasses all or the greater portion of the area of the district from a list of nominations submitted by the association.
- (5) 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.
- (6) 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 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 provide or enhance security patrols.
- (5) To enter into contracts and agreements with one or more other districts for the joint security, improvement, or betterment of all participating districts.
- (6) To perform or have performed any other function or activity necessary for achieving the district's purpose.

Proposed law authorizes the governing authority of the city of Baton Rouge, parish of East Baton Rouge, subject to voter approval, to impose and collect a parcel fee within the district which amount shall be as requested by duly adopted board resolution. Provides that the amount of the fee shall not be more than \$150 per parcel per year on residential properties and \$450 per parcel per year on commercial properties; however, provides that the fee shall not exceed \$70 per parcel per year if any of the owners of the parcel is a person 70 years of age or older. Requires that the fee be imposed on each improved parcel located within the district.

Proposed law defines "parcel" as a lot, a subdivided portion of ground, an individual tract, or a condominium parcel as defined in present law (R.S. 9:1121.103).

Proposed law provides that the fee shall expire five years after its levy but authorizes renewal of the fee. Provides that the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed eight 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 parish tax rolls and enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes. Proposed law requires that the fee proceeds be used solely and exclusively for the district's purpose and benefit. Requires the sheriff to remit to the district all amounts collected not more than 60 days after collection; however, authorizes the district to enter into an agreement with the sheriff to authorize the sheriff to retain a collection fee.

Proposed law authorizes the district's solicitation and acceptance of 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 its intent is that additional security patrols provided by the district shall be supplemental to and not in lieu of personnel and services provided in the district by the state, the city-parish, or their departments or agencies or by any other political subdivisions.

Proposed law permits dissolution of the district without the vote of the district's registered voters if a majority of the district's area becomes included in another district that serves similar purposes but includes additional parcels of adjacent property, if approved by at least six board members. Provides that district funds related to the portion of the district that is included in the new district, together with any other funds collected by East Baton Rouge Parish pursuant to proposed law that relate to such portion of the district, shall be transferred to the new district to be used for purposes of the new district. Proposed law provides that any remaining funds shall be transmitted by the board to the parish and that such funds shall be used only for law enforcement, security, improvement, and beautification purposes of the area that was formerly within the district but not in the new district. Further provides that if the district is dissolved according to proposed law, the authority to impose the parcel fee shall cease.

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 or districts.

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

(Adds R.S. 33:9097.19)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Clarifies that the provision for the fee not to exceed \$70 per parcel per year if any of the owners of the parcel is a person 70 years of age or older is not an additional fee.
2. Relative to the collection of the parcel fee, removes provision that authorizes the sheriff of East Baton Rouge Parish to retain 1% of the amount of the fee collected as a collection fee and instead authorizes the district to enter into an agreement with the sheriff to authorize the sheriff to retain a collection fee.