

Regular Session, 2013

HOUSE BILL NO. 260

BY REPRESENTATIVE ALFRED WILLIAMS

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.

21 B. Boundaries. The district shall include all property located within the
22 Goodwood Homesites Subdivision as established in the official subdivision plat filed
23 with the clerk of court of East Baton Rouge Parish. The district shall include all
24 residential and commercial parcels located on the following streets within the

1 designated range of addresses: 7700-8800 Airline Highway, 8504-8836 Airway
 2 Drive, 8076-8284 Albert Drive, 343-588 Fernwood Drive, 9065-8299 Franwood
 3 Drive, 8134-8263 Gladewood, 8257-8461 Greenmoss Drive, 8044-8545 Harry
 4 Drive, 966-8342 Landwood Drive, 1625-2300 N. Airway Drive, 943-1163
 5 Orangewood Drive, 674-988 Princewood Court, 8021-8266 Queenswood Court,
 6 8122-8281 Royalwood Drive, 7878-8056 S. Choctaw Drive, 422-561 Thornwood
 7 Drive, 7933-8188 Tom Drive, and 674-1122 Wooddale Boulevard.

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

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

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

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

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

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

26 (e) The member of the Louisiana House of Representatives whose district
 27 encompasses all or the greater portion of the area of the district shall appoint one
 28 member.

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

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

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

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

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

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

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

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

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

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

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

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

10 E. Powers and duties. The district, acting through its board, shall have the
11 following powers and duties:

12 (1) To sue and be sued.

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

14 (3) To receive and expend funds collected pursuant to Subsection F of this
15 Section and in accordance with a budget adopted as provided by Subsection H of this
16 Section.

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

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

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

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

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

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

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

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

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

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

16 (3) For purposes of this Section, "parcel" means a lot, a subdivided portion
 17 of ground, an individual tract, or a "condominium parcel" as defined in R.S.
 18 9:1121.103.

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

20 (5)(a) The fee shall be imposed only after the question of its imposition has
 21 been approved by a majority of the registered voters of the district voting on the
 22 proposition at an election held for that purpose in accordance with the Louisiana
 23 Election Code. The amount of the fee may be changed by duly adopted resolution
 24 of the board, not to exceed the maximum amount authorized in this Subsection. No
 25 other election shall be required except as provided by this Paragraph.

26 (b) The fee shall expire five years after its initial levy but may be renewed
 27 if approved by a majority of the registered voters of the district voting on the
 28 proposition at an election as provided in Subparagraph (a) of this Paragraph. Any
 29 election to authorize the renewal of the fee shall be held only at the same time as a
 30 regularly scheduled election in the parish of East Baton Rouge. If the fee is renewed,

1 the term of the imposition of the fee shall be as provided in the proposition
 2 authorizing such renewal, not to exceed eight years.

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

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

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

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

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

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

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

21 I. Miscellaneous. It is the purpose and intent of this Section that any
 22 additional security patrols, public or private, any other security or other services or
 23 betterments provided by the district shall be supplemental to and not be in lieu of
 24 personnel and services to be provided in the district by the state of Louisiana, the city
 25 of Baton Rouge, parish of East Baton Rouge, or their departments or agencies or by
 26 any other political subdivision of the state.

27 J. Dissolution. (1) The district may be dissolved without the vote of the
 28 registered voters of the district if a majority of the area covered by the district
 29 becomes included in another district that serves similar purposes but includes
 30 additional parcels of property adjacent to the district, if approved by the affirmative

1 vote of not less than six members of the board. If the district is dissolved in
 2 accordance with this Paragraph, the funds of the district that relate to the portion of
 3 the district that is included in the new district, together with any other funds collected
 4 by the parish of East Baton Rouge pursuant to this Section that relate to such portion
 5 of the district, shall be transferred to the new district to be used for purposes of the
 6 new district. The remaining portion of funds, if any, shall be transmitted by the
 7 board to the parish of East Baton Rouge and such funds shall be used only for law
 8 enforcement, security, improvement, and beautification purposes of the area that was
 9 formerly within the district but is not included in the new district.

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

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

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

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

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

25 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
 26 9:2792.1 through 2792.9, a person serving the district as a board member or officer
 27 shall not be individually liable for any act or omission arising out of the performance
 28 of his duties.

29 Section 2. This Act shall become effective upon signature by the governor or, if not
 30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____