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## DIGEST

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James

HB No. 658

**Abstract:** Creates the Sherwood Forest 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 Sherwood Forest 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 a seven-member board of commissioners composed as follows:

- (1) Four members appointed by the board of directors of the Sherwood Forest Citizens' Association.
- (2) 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.
- (3) One member appointed by the member of the La. Senate whose district encompasses all or the greater portion of the area of the district.
- (4) One member appointed by the assessor for East Baton Rouge Parish.

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

- (5) To perform or have performed any other function or activity necessary for achieving the district's purpose.

Proposed law authorizes the governing authority of city of Baton Rouge, parish of East Baton Rouge, subject to voter approval, to impose and collect a parcel fee within the district. Provides that the initial amount of the fee shall be as requested by duly adopted resolution of the governing authority of the district not to exceed \$75 per parcel per year. Requires that the fee be imposed on each improved and unimproved parcel located within the district. Authorizes the board, not less than five years from the initial imposition of the fee to increase the fee one time without election, not to exceed \$200.

Proposed law defines parcel as a lot, a subdivided portion of ground, or an individual tract which is zoned residential. Provides that the term shall not include condominium parcel or condominium property as defined in present law (R.S. 9:1121.103).

Proposed law provides that the fee shall expire 10 years after its levy but authorizes renewal of the fee. Provides that the amount of the renewal shall not exceed \$200 and the term of the imposition of the fee shall be as provided in the proportion authorizing such renewal, not to exceed 10 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 city 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 requires the district's board to adopt an annual budget in accordance with present law (Local Government Budget Act) and provides that the district shall be subject to audit by the legislative auditor.

Proposed law provides that it is the purpose and intent of proposed law that the additional law enforcement personnel and their services provided for through the fees authorized by proposed law shall be supplemental to and not in lieu of personnel and services provided in the district by the city-parish.

Proposed law requires the district's board, if the district ceases to exist, to transmit all district funds to the city-parish to be used for law enforcement purposes in the area which comprised the district.

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. Relative to the collection of the parcel fee, removes provisions that authorize the sheriff of East Baton Rouge Parish to retain the same percentage of collectable amounts as he receives for the collection of ad valorem taxes and instead authorizes the district to enter into an agreement with the sheriff to authorize the sheriff to retain a collection fee.