

2021 Regular Session

HOUSE BILL NO. 115

BY REPRESENTATIVE DAVIS

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

1 AN ACT

2 To enact R.S. 33:9097.33, relative to East Baton Rouge Parish; to create the Old Goodwood
3 Crime Prevention and Neighborhood Improvement District; to provide relative to the
4 boundaries, purpose, governance, and powers and duties of the district; to provide
5 relative to district funding, including the authority to impose a parcel fee within the
6 district, subject to voter approval; to provide for an effective date; and to provide for
7 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. 33:9097.33 is hereby enacted to read as follows:

13 §9097.33. Old Goodwood 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 Old Goodwood 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. Beginning at a point of intersection of the centerline of
2 Florida Boulevard and a line extending south to the western rear property line of
3 South Fairfax Drive (Fairfax Heights Subdivision) to the western side property line
4 of 5554 George Street (Legal Description Fairfax Heights Subdivision Lot 6) turning
5 east along the southern rear property lines of George Street to a point of intersection
6 of the centerline of Cloud Drive south to the centerline of Government Street turning
7 east to the centerline of Jefferson Highway turning southeast to the centerline of Old
8 Hammond Highway (State Highway Route 426) turning east to a point of
9 intersection of a line extended from the eastern rear property line of the Fair Day
10 Estates II Subdivision turning north along the eastern rear property line of Fair Day
11 Estates II Subdivision and rear property line of Carter Avenue and a line extended
12 to the point of intersection with the centerline of LaSalle Avenue turning west to a
13 line extended to the eastern rear property line of Charmaine Avenue turning north
14 to a point of intersection with the centerline of the Normandy Lateral drainage canal
15 turning northwest to a line extended from the western rear property line of Thurman
16 Drive turning north to a point of intersection with the centerline of Goodwood
17 Boulevard turning west to the point of intersection with the centerline of Lobdell
18 Boulevard turning north to the point of intersection with centerline of Florida
19 Boulevard turning west to the original point of the beginning.

20 C. Purpose. The purpose of the district shall be to aid in crime prevention
21 and to add to the security of district residents by providing for an increase in the
22 presence of law enforcement personnel in the district and to serve the needs of the
23 residents of the district by funding beautification and improvements for the overall
24 betterment of the district.

25 D. Governance. (1) The district shall be governed by a seven-member board
26 of commissioners, referred to in this Section as the "board". The board shall be
27 composed as follows:

28 (a) The board of directors of the Goodwood Property Owners Association,
29 referred to in this Section as the "association", shall appoint four members.

1 (b) 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 (c) 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 (d) The member of the governing authority of the city of Baton Rouge,
7 parish of East Baton Rouge Parish whose district encompasses all or the greater
8 portion of the area of the district shall appoint one member.

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

11 (3)(a) Members appointed pursuant to Subparagraph (1)(a) of this Subsection
12 shall serve three-year terms.

13 (b) The terms of members appointed pursuant to Subparagraphs (1)(b)
14 through (d) of this Subsection shall be concurrent with the respective appointing
15 authority.

16 (4) Any vacancy in the membership of the board, occurring either by reason
17 of the expiration of the term for which appointed or by reason of death, resignation,
18 or otherwise, shall be filled in the manner of the original appointment. If the
19 appointing authority fails to make an appointment within thirty days after receipt of
20 written notification by the board of a vacancy, the board of directors of the
21 association shall appoint an interim successor to serve until the position is filled by
22 the appointing authority.

23 (5) Board members shall be eligible for reappointment.

24 (6) Any board member may be removed for cause by a majority vote of the
25 board.

26 (7) All members of the board shall serve without compensation but may
27 receive reimbursement for approved and receipted expenses directly related to the
28 governance of the district.

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

4 (9) The minute books and archives of the district shall be maintained by the
5 secretary of the board. The monies, funds, and accounts of the district shall be in the
6 official custody of the treasurer.

7 (10) The board shall adopt such rules and regulations as it deems necessary
8 or advisable for conducting its business and affairs. Rules and regulations of the
9 board relative to the notice and conduct of meetings shall conform to applicable law,
10 including the Open Meetings Law. The board shall hold regular meetings as shall
11 be provided in the bylaws and may hold special meetings at such time and places
12 within or without the district as may be prescribed in the bylaws. The board shall
13 keep minutes of all meetings and shall make them available through the secretary of
14 the board.

15 (11) The board may hire such assistants and employees as are needed to
16 assist the board in the performance of its duties.

17 (12) A majority of the members of the board shall constitute a quorum for
18 the transaction of business. Each member of the board shall have one vote. The vote
19 of a majority of the board members present and voting, with a quorum being present,
20 shall be required to decide any question upon which the board takes action.

21 E. Powers and duties. The district, through the board, shall have the
22 following powers and duties:

23 (1) To sue and be sued.

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

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

28 (4) To enter into contracts with individuals or entities, private or public, for
29 the provision of security patrols, improvements or other programs in the district.

1 (5) To provide or enhance security patrols in the district; to provide for
2 improved lighting, signage, or matters relating to the security of the district; to
3 provide for the improvement of the district; and to provide generally for the overall
4 betterment of the district.

5 (6) To purchase, lease, rent, or otherwise acquire items, supplies, and
6 services necessary or deemed appropriate for achieving any purpose of the district.

7 (7) To acquire, lease, insure, and sell real property within the boundaries of
8 the district in accordance with district plans.

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

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

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

19 F. Parcel fee. The district, through the board, may impose and collect a
20 parcel fee within the district subject to and in accordance with the provisions of this
21 Subsection:

22 (1)(a) The amount of the fee shall be as provided by a duly adopted
23 resolution of the board. The fee shall be a flat fee per parcel not to exceed one
24 hundred fifty dollars per year for parcels zoned residential and five hundred dollars
25 per year for parcels zoned commercial.

26 (b) The initial fee shall be one hundred twenty-five dollars per year for
27 parcels zoned residential and four hundred dollars per year for parcels zoned
28 commercial.

1 (2)(a) The fee shall be imposed on each improved and unimproved parcel
2 located within the district. The term "parcel" as used in this Subsection means a lot,
3 a subdivided portion of ground, an individual tract, or a "condominium parcel" as
4 defined in R.S. 9:1121.103. The term "improved" as used in this Subsection means
5 that a residence, commercial building, or other structure is constructed on the parcel.

6 (b) The fee shall be imposed on each unit within a multifamily dwelling. If
7 multiple adjacent parcels are combined for the purpose of housing a single-family
8 dwelling, the combined parcel shall constitute only a single improved parcel for the
9 purposes of the imposition of the fee.

10 (3) The owner of the parcel shall be responsible for payment of the fee.

11 (4)(a) The fee shall be imposed only after the question of its imposition has
12 been approved by a majority of the registered voters of the district voting on the
13 proposition at an election held for that purpose in accordance with the Louisiana
14 Election Code.

15 (b) The fee shall expire at the time provided in the proposition authorizing
16 the fee, not to exceed ten years. The fee may be renewed if approved by a majority
17 of the registered voters of the district voting on the proposition at an election as
18 provided in Subparagraph (a) of this Paragraph. If the fee is renewed, the term of the
19 imposition of the fee shall be as provided in the proposition authorizing such
20 renewal, not to exceed ten years.

21 (5) Not less than three years after approval of the parcel fee by a majority of
22 the registered voters of the district as provided in this Subsection, the district,
23 through the board, may increase the amount of the parcel fee one time without
24 election. The amount of the increased fee shall not exceed the maximum amount
25 provided in Subparagraph(1)(a) of this Subsection.

26 (6) No fee shall be imposed upon any parcel if the owner receives the special
27 assessment level provided by Article VII, Section 18(G)(1) of the Constitution of
28 Louisiana.

1 (7) The fee shall be collected at the same time and in the same manner as ad
2 valorem taxes are collected by the sheriff, as ex officio tax collector, of the parish of
3 East Baton Rouge. The sheriff shall collect and remit to the district all amounts
4 collected not more than sixty days after collection. The district may enter into an
5 agreement with the sheriff to authorize the sheriff to retain a collection fee not to
6 exceed one percent of the amount collected.

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

10 G. Additional contributions. The district is authorized to solicit and accept
11 additional voluntary contributions and grants to further the purposes of the district.

12 H. Budget. (1) The board of commissioners shall adopt an annual budget
13 in accordance with the Louisiana Local Government Budget Act, R.S. 39:1301 et
14 seq.

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

17 I. Miscellaneous. It is the purpose and intent of this Section that any
18 additional security patrols, public or private, or any other security or other services
19 or betterments provided by the district shall be supplemental to and not be in lieu of
20 personnel and services to be provided in the district by the state of Louisiana, East
21 Baton Rouge Parish, or their departments or agencies or by other political
22 subdivisions.

23 J. Dissolution. (1) The district may be dissolved after the question of its
24 dissolution has been approved by a majority of the registered voters of the district
25 voting on the proposition at a regularly scheduled election conducted in accordance
26 with the provisions of the Louisiana Election Code. The question of dissolution may
27 be placed on the ballot only after it has been approved by the affirmative vote of not
28 less than five members of the board.

29 (2) If the district ceases to exist:

1 (a) All funds of the district shall be transmitted by the board to the city of
2 Baton Rouge, parish of East Baton Rouge within thirty days of dissolution, and such
3 funds, together with any other funds collected by the city of Baton Rouge, parish of
4 East Baton Rouge pursuant to this Section, shall be maintained in a separate account
5 by the city of Baton Rouge, parish of East Baton Rouge and shall be used only to
6 promote, encourage, and enhance the security and overall betterment of the area
7 included in the district.

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

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

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

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

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

22 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
23 9:2792.1 through 2792.9, a person serving the district as a board member or officer
24 shall not be individually liable for any act or omission arising out of the performance
25 of his duties.

26 Section 2. This Act shall become effective upon signature by the governor or, if not
27 signed by the governor, upon expiration of the time for bills to become law without signature
28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 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)]

HB 115 Original

2021 Regular Session

Davis

Abstract: Creates the Old Goodwood Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish. Provides for the district's boundaries, purpose, governance, and funding, including the authority to impose a parcel fee.

Proposed law creates the Old Goodwood Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish for the purpose of aiding in crime prevention by providing increased security for the district residents and promoting the beautification and overall betterment of the district. Provides for district boundaries.

Proposed law provides that the district shall be governed by a seven-member board of commissioners, all of whom shall be property owners, residents, and qualified voters of the district, composed as follows:

- (1) Four members appointed by the board of directors of the Goodwood Property Owners Assoc.
- (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 member of the governing authority of the city of Baton Rouge, parish of East Baton Rouge (city-parish) whose district encompasses all or the greater portion of the area of the district.

Proposed law provides that members serve without compensation but may receive reimbursement for approved and receipted expenses.

Proposed law provides relative to the powers and duties of the district.

Proposed law authorizes the board, subject to voter approval, to impose and collect a parcel fee within the district. Provides that the maximum fee shall be \$150 per year for residential parcels and \$500 per year for commercial parcels. Provides that the initial parcel fee for the first calendar year shall be \$125 for residential parcels and \$400 for commercial parcels. Defines parcel as a lot, a subdivided portion of ground, an individual tract, or a condominium improved parcel as defined in present law (R.S. 9:1121.103).

Proposed law provides that the fee shall be imposed on each unit within a multifamily dwelling and if multiple adjacent parcels are combined for the purpose of housing a single-family dwelling, the combined parcel shall constitute a single improved parcel for the purposes of the imposition of the fee.

Proposed law provides that the fee shall expire 10 years after its initial levy but authorizes renewal of that fee. Provides that the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed 10 years.

Proposed law requires the sheriff of East Baton Rouge Parish to collect the fee in the same manner and at the same time as ad valorem taxes and requires that any unpaid fee 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. Further requires the sheriff 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 sheriff to authorize the sheriff to retain a collection fee.

Proposed law provides that the district shall adopt an annual budget in accordance with present law (R.S. 39:1301 et seq.) and shall be subject to audit by the legislative auditor's office.

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, if the district ceases to exist, that the imposition of the parcel fee shall cease. Additionally requires the transmittal of all district funds to the city-parish. Requires that such funds together with any other funds collected by the city-parish pursuant to proposed law be maintained in a separate account by the city-parish. Requires that such funds be used only to promote, encourage, and enhance the security, beautification, and overall betterment of the area included in the former district.

Proposed law provides that no board member or officer of the district shall be liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for the monetary damages for breach of his duties as a board member or officer unless the board member performs an act or omission not in good faith or which involves intentional misconduct or a knowing violation of law, or any transaction from which he or she derives an improper personal benefit.

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

(Adds R.S. 33:9907.33)