

2021 Regular Session

HOUSE BILL NO. 115

BY REPRESENTATIVE DAVIS

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.

21 B. Boundaries. Beginning at a point of intersection of the centerline of
22 Florida Boulevard and a line extending south to the western rear property line of
23 South Fairfax Drive (Fairfax Heights Subdivision) to the western side property line
24 of 5554 George Street (Legal Description Fairfax Heights Subdivision Lot 6) turning
25 east along the southern rear property lines of George Street to a point of intersection

1 of the centerline of Cloud Drive south to the centerline of Government Street turning
 2 east to the centerline of Jefferson Highway turning southeast to the centerline of Old
 3 Hammond Highway (State Highway Route 426) turning east to a point of
 4 intersection of a line extended from the eastern rear property line of the Fair Day
 5 Estates II Subdivision turning north along the eastern rear property line of Fair Day
 6 Estates II Subdivision and rear property line of Carter Avenue and a line extended
 7 to the point of intersection with the centerline of LaSalle Avenue turning west to a
 8 line extended to the eastern rear property line of Charmaine Avenue turning north
 9 to a point of intersection with the centerline of the Normandy Lateral drainage canal
 10 turning northwest to a line extended from the western rear property line of Thurman
 11 Drive turning north to a point of intersection with the centerline of Goodwood
 12 Boulevard turning west to the point of intersection with the centerline of Lobdell
 13 Boulevard turning north to the point of intersection with centerline of Florida
 14 Boulevard turning west to the original point of the beginning.

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

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

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

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

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

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

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

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

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

11 (4) Any vacancy in the membership of the board, occurring either by reason
12 of the expiration of the term for which appointed or by reason of death, resignation,
13 or otherwise, shall be filled in the manner of the original appointment. If the
14 appointing authority fails to make an appointment not later than the thirtieth calendar
15 day after receipt of written notification by the board of a vacancy, the board of
16 directors of the association shall appoint an interim successor to serve until the
17 position is filled by the appointing authority.

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

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

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

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

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

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

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

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

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

17 (1) To sue and be sued.

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

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

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

24 (5) To provide or enhance security patrols in the district; to provide for
25 improved lighting, signage, or matters relating to the security of the district; to
26 provide for the improvement of the district; and to provide generally for the overall
27 betterment of the district.

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

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

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

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

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

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

16 (1)(a) The amount of the fee shall be as provided by a duly adopted
 17 resolution of the board. The fee shall be a flat fee per parcel not to exceed one
 18 hundred fifty dollars per year for unimproved parcels zoned residential, one hundred
 19 fifty dollars per year for improved single-family parcels zoned residential, five
 20 hundred dollars per year for improved multi-family parcels zoned residential, and
 21 five hundred dollars per year for unimproved and improved parcels zoned
 22 commercial.

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

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

1 **(b) If multiple adjacent residential parcels are combined for the purpose of**
2 **housing a single-family dwelling, the combined parcel shall constitute only a single**
3 **improved parcel for the purposes of the imposition of the fee.**

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

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

9 **(b) The fee shall expire at the time provided in the proposition authorizing**
10 **the fee, not to exceed ten years. The fee may be renewed if approved by a majority**
11 **of the registered voters of the district voting on the proposition at an election as**
12 **provided in Subparagraph (a) of this Paragraph. If the fee is renewed, the term of the**
13 **imposition of the fee shall be as provided in the proposition authorizing such**
14 **renewal, not to exceed ten years.**

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

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

23 **(7) The fee shall be collected at the same time and in the same manner as ad**
24 **valorem taxes are collected by the sheriff, as ex officio tax collector, of the parish of**
25 **East Baton Rouge. The sheriff shall collect and remit to the district all amounts**
26 **collected no later than the sixtieth calender day after collection. The district may**
27 **enter into an agreement with the sheriff to authorize the sheriff to retain a collection**
28 **fee not to exceed one percent of the amount collected.**

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

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

6 H. 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 I. Miscellaneous. It is the purpose and intent of this Section that any
12 additional security patrols, public or private, or any other security or other services
13 or betterments provided by the district shall be supplemental to and not be in lieu of
14 personnel and services to be provided in the district by the state of Louisiana, East
15 Baton Rouge Parish, or their departments or agencies, or by other political
16 subdivisions.

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

23 (2) If the district ceases to exist:

24 (a) All funds of the district shall be transmitted by the board to the city of
25 Baton Rouge, parish of East Baton Rouge no later than the thirtieth calendar day
26 after the date of dissolution, and such funds, together with any other funds collected
27 by the city of Baton Rouge, parish of East Baton Rouge pursuant to this Section,
28 shall be maintained in a separate account by the city of Baton Rouge, parish of East
29 Baton Rouge, and shall be used only to promote, encourage, and enhance the security
30 and overall betterment of the area included in the district.

1 **(b) The authority for the imposition of the parcel fee provided in this Section**
2 **shall cease.**

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

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

12 **(a) Acts or omissions not in good faith or which involve intentional**
13 **misconduct or a knowing violation of law.**

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

15 **(3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.**
16 **9:2792.1 through 2792.9, a person serving the district as a board member or officer**
17 **shall not be individually liable for any act or omission arising out of the performance**
18 **of his duties.**

19 Section 2. This Act shall become effective upon signature by the governor or, if not
20 signed by the governor, upon expiration of the time for bills to become law without signature
21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
22 vetoed by the governor and subsequently approved by the legislature, this Act shall become
23 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____