

2015 Regular Session

HOUSE BILL NO. 526

BY REPRESENTATIVE OURSO

DISTRICTS/CRIME PREVENT: Creates the Woodlawn Estates Crime Prevention and Improvement District in East Baton Rouge Parish

1 AN ACT

2 To enact R.S. 33:9097.25, relative to East Baton Rouge Parish; to create the Woodlawn
3 Estates Crime Prevention and 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, subject to
6 voter approval, within the district; to provide with respect to termination of the
7 district; and to 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. 33:9097.25 is hereby enacted to read as follows:

13 §9097.25. Woodlawn Estates Crime Prevention and Improvement District

14 A. Creation. There is hereby created within the parish of East Baton Rouge,
15 as more specifically provided in Subsection B of this Section, a body politic and
16 corporate which shall be known as the Woodlawn Estates Crime Prevention and
17 Improvement District, referred to in this Section as the "district". The district shall
18 be a political subdivision of the state as defined in the Constitution of Louisiana.

19 B. Boundaries. The district shall include all property shown on the final
20 subdivision plats for Woodlawn Estates and Woodlawn Park subdivision filings

1 First, Second, Third, Fifth, Sixth, and Seventh filed with the East Baton Rouge
2 Parish Clerk of Court including Lots 1 through 507, and more particularly described
3 as follows: beginning at the intersection of Shenandoah Boulevard and Jones Creek
4 Road, at the southeastern corner of Lot 24 of Woodlawn Park Subdivision, proceed
5 north along the eastern boundaries of Lots 24 through 14 of Woodlawn Park
6 Subdivision, then northwest along the northern boundaries of Lots 14 and 13 of
7 Woodlawn Park Subdivision and Lots 410-420, 435-447 of Woodlawn Estates, then
8 continuing in a westerly direction along the northern boundaries of Lots 447-449,
9 495-497, then south along the western boundaries of Lots 497-507, Lot 313, Lots
10 170-196, to the southwest corner of Lot 196, then in an easterly direction along the
11 southern boundaries of Lots 196 and Lots 245-250, then south along the western
12 boundaries of Lots 25-13, then east along the southern boundaries of Lots 13-3 and
13 Lot 1. From the southeast corner of Lot 1 proceed north along the eastern boundaries
14 of Lots 1, 2, 118-107, and Lots 134-140, then east along Shenandoah Avenue
15 diagonally to the Point of Beginning.

16 C. Purpose. The purpose of the district shall be to aid in crime prevention,
17 to enhance security within the district, to provide for an increase in security patrols
18 in the district, and to provide for the overall betterment of the district.

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

22 (a) The board of directors of the Woodlawn Estates Homeowners
23 Association shall appoint four members.

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

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

1 (d) The assessor for the parish of East Baton Rouge shall appoint one
2 member.

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

5 (3)(a) Members shall serve four-year terms after the initial terms as provided
6 in this Subparagraph. Two members shall serve an initial term of one year; two shall
7 serve two years; two shall serve three years, and one shall serve four years, as
8 determined by lot at the first meeting of the board.

9 (b) Members shall be eligible for reappointment.

10 (4) Any vacancy in the membership of the board shall be filled in the manner
11 of the original appointment. If the appointing authority responsible for the
12 appointment of a member fails to fill a vacancy within thirty days, the remaining
13 members of the board may appoint an interim successor to serve until the position
14 is filled by the appointing authority.

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

18 (6) The members of the board shall serve without compensation but shall be
19 reimbursed for reasonable out-of-pocket expenses directly related to the governance
20 of the district, not to exceed one hundred dollars per year.

21 (7) The board shall keep minutes of all meetings and shall make them
22 available through the secretary of the board. The minute books and archives of the
23 district shall be maintained by the secretary of the board. The monies, funds, and
24 accounts of the district shall be in the official custody of the board.

25 (8) The board shall adopt such rules and regulations as it deems necessary
26 or advisable for conducting its business affairs. The board shall hold regular
27 meetings as shall be provided for in the bylaws and may hold special meetings at
28 such times and places within East Baton Rouge Parish as may be prescribed in the
29 bylaws.

1 (9) A majority of the membership of the board shall constitute a quorum for
2 the transaction of business, and all official action of the board shall require the
3 favorable vote of a majority of those members present and voting. All members of
4 the board shall be voting members.

5 (10) The domicile of the board shall be in East Baton Rouge Parish.

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

8 (1) To sue and be sued.

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

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

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

14 (5) To provide or enhance security patrols in the district, to provide for
15 improved lighting, signage, or matters relating to the security of the district, to
16 provide for the beautification of and improvement to the district, and to provide
17 generally for the overall betterment of the district.

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

20 (7) To provide for such services and make such expenditures as the board
21 deems proper to carry out the purposes of the district.

22 (8) To acquire or lease items and supplies which the board deems proper to
23 carry out the purposes of the district.

24 (9) To procure and maintain liability insurance against any personal or legal
25 liability of a board member that may be asserted or incurred based upon service as
26 a member of the board or that may arise as a result of actions taken within the scope
27 and discharge of duties as a member of the board.

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

4 F. Parcel fee. The governing authority of the district may impose and collect
5 a parcel fee within the district subject to and in accordance with the provisions of this
6 Subsection:

7 (1)(a) The fee shall be imposed on each improved and unimproved parcel
8 located within the district.

9 (b) For purposes of this Section, a parcel shall be defined as a lot, a
10 subdivided portion of ground, or an individual tract within filings First, Second,
11 Third, Fifth, Sixth, and Seventh of Woodlawn Estates and Woodlawn Park
12 Subdivision, and which is listed on the tax rolls for assessment of property taxes.
13 The owner of the parcel shall be responsible for payment of the fee.

14 (2)(a) The amount of the fee shall be as provided in a duly adopted
15 resolution of the board. The fee shall be a flat fee per parcel not to exceed three
16 hundred dollars per year for each parcel; however, the initial fee for the first calendar
17 year shall not exceed one hundred fifty dollars per parcel.

18 (b) The board may increase the fee one time during each subsequent calendar
19 year not to exceed ten percent of the amount of the fee imposed during the previous
20 calendar year; however, the amount of the fee shall not exceed the maximum amount
21 authorized in Subparagraph (a) of this Paragraph.

22 (c) No fee may be imposed or increased pursuant to the provisions of this
23 Subsection unless the question of its imposition and the board's authority to increase
24 the fee has been approved by a majority of the registered voters of the district who
25 vote on the proposition at an election held for that purpose in accordance with the
26 Louisiana Election Code.

27 (d) If approved, the fee and the board's authority to increase the fee shall
28 expire in ten years, but the fee and the board's authority to increase the fee may be
29 renewed if approved by a majority of the registered voters of the district voting on

1 the proposition at an election as provided in Subparagraph (c) of this Paragraph. If
2 the fee and board's authority to increase the fee is renewed, the term of the
3 imposition of the fee shall be as provided in the proposition authorizing such
4 renewal, not to exceed ten years.

5 (3) The fee shall be collected at the same time and in the same manner as ad
6 valorem taxes are collected for East Baton Rouge Parish. The tax collector shall
7 collect and remit to the district all amounts collected not more than sixty days after
8 collection; however, the district may enter into an agreement with the tax collector
9 to authorize retention of an annual collection fee, not to exceed one percent of the
10 amount collected.

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

14 G. Additional contributions. The district may solicit, accept, and expend
15 additional voluntary contributions and grants to carry out the purposes of the district.

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

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

20 I. Miscellaneous provisions. (1) It is the purpose and intent of this Section
21 that any additional law enforcement personnel and services provided for through the
22 fees authorized in this Section shall be supplemental to, and not in lieu of, personnel
23 and services to be provided in the district by publicly funded law enforcement
24 agencies.

25 (2) If the district ceases to exist, any funds, equipment, and property of the
26 district shall be transmitted to the governing authority of the municipality in which
27 district is located if the district was in an incorporated area or to the governing
28 authority of the parish of East Baton Rouge if the district was not in an incorporated

1 area and shall be used only within the district for the purposes set forth in this
2 Section.

3 J. 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 or she derived an improper personal
15 benefit.

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

20 Section 2. This Act shall become effective upon signature by the governor or, if not
21 signed by the governor, upon expiration of the time for bills to become law without signature
22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
23 vetoed by the governor and subsequently approved by the legislature, this Act shall become
24 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 526 Engrossed

2015 Regular Session

Ourso

Abstract: Creates the Woodlawn Estates Crime Prevention and 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 Woodlawn Estates Crime Prevention and Improvement District in East Baton Rouge Parish as a political subdivision of the state for the purpose of aiding in crime prevention and providing for overall betterment of the district. Provides for district boundaries. Provides that the district shall be governed by a board of commissioners composed as follows:

- (1) Four members appointed by the Woodlawn Estates Homeowners 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 parish assessor of East Baton Rouge.

Requires board members to own property and reside in the district and to be qualified voters 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 from an authorized parcel fee and in accordance with an adopted budget.
- (4) To enter into contracts with individuals or entities, private or public.
- (5) To provide or enhance security patrols in the district, to provide for improved lighting, signage, or matters relating to the security of the district, to provide for the beautification of and improvement to the district, and to provide generally for the overall betterment of the district.
- (6) To enter into contracts and agreements with one or more other districts for the joint security, improvement, or betterment of all participating districts.

Proposed law authorizes the governing authority of the district, subject to voter approval, to impose and collect a parcel fee on each improved and unimproved parcel within the district not to exceed \$300 per parcel per year, which amount shall be as provided in a duly adopted board resolution. Provides, however, that the initial fee for the first calendar year shall not exceed \$150 per parcel. Authorizes the board, subject to voter approval, to increase the fee one time during each calendar year not to exceed 10% of the amount of the fee imposed during the previous calendar year. Provides that the fee and board's authority to increase the

fee expires in 10 years, but authorizes renewal of the fee for a term not to exceed 10 years. Defines "parcel" as a lot, a subdivided portion of ground, or an individual tract within the boundaries of the district which is listed on the tax rolls for assessment of property taxes.

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. Requires the tax collector to remit to the district all amounts collected not more than 60 days after collection and authorizes the district to enter into an agreement with the tax collector to authorize the retention of a collection fee, not to exceed 1% of the amount collected.

Proposed law requires the district's board to adopt an annual budget in accordance with the La. 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 publicly funded law enforcement agencies.

Proposed law provides that if the district ceases to exist, all district funds and property shall be transmitted to the governing authority of the municipality in which district is located if the district was in an incorporated area or to the parish of East Baton Rouge if the district was not in an incorporated area and used to promote and enhance the security, beautification, and overall betterment of the area included within the district.

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

(Adds R.S. 33:9097.25)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Change the boundaries of the district.
2. Increase the maximum amount of the parcel fee from \$200 to \$300.
3. Increase the maximum amount of the initial parcel fee for the first calendar year from \$100 to \$150.
4. Add provision that if the district ceases to exist, property of the district shall be transmitted to the governing authority of the municipality in which district is located if the district was in an incorporated area.