

2015 Regular Session

HOUSE BILL NO. 527

BY REPRESENTATIVE BARROW

1 AN ACT

2 To enact R.S. 33:9097.25, relative to East Baton Rouge Parish; to create the Forest Heights  
3 Park Crime Prevention and Neighborhood Improvement District within the parish;  
4 to provide relative to the boundaries, purpose, governance, and powers and duties of  
5 the district; to provide relative to district funding, including the authority to impose  
6 a parcel fee within the district; to provide with respect to termination of the district;  
7 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. Forest Heights Park 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 Forest Heights Park 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. (1) The district shall include the area within the following  
22 boundaries, which only includes the Second Filing of Forest Heights Park final plat  
23 filed on December 9, 1965 and the Third Filing final plat filed on December 1, 1967:  
24 beginning at the intersection of Mickens Road and Willow Springs Avenue, east  
25 along Willow Springs Avenue (north and south sides) including the intersections on

1           the south side at Branchwood Drive and Leafwood Drive until Willow Springs  
 2           Avenue intersects with East Belvin Drive, then north on East Belvin Drive (east and  
 3           west sides) until it dead ends, also south on East Belvin Drive (east and west sides)  
 4           including the intersection on the west side at Pine Island Avenue that also intersects  
 5           with Branchwood and Leafwood Drive which makes a circle, continue south on East  
 6           Belvin Drive until it turns east and becomes Modesto Avenue, then east on Modesto  
 7           Avenue (north and south sides) until it dead ends, Modesto Avenue also includes  
 8           intersections on the north side at Carlene Avenue and Baja Drive, Carlene Avenue  
 9           runs north (east and west sides) then makes a northeast circle with it until it re-  
 10          intersects with Modesto Avenue, also while on Carlene Avenue heading north on the  
 11          west side its intersection with Chisholm Avenue, Chisholm Avenue runs east (north  
 12          and south sides) until it dead ends into Baja Drive, Baja Drive runs north and south  
 13          and dead ends into Modesto Avenue on the south end and dead ends to Carlene  
 14          Avenue on the north end.

15                   (2) The district shall also include the property located on the north side of  
 16                   Carlene Avenue which consists of approximately five acres of land on which is  
 17                   situated a pool, park, and other recreational facilities.

18                   (3) The district shall not include any property located in the First Filing of  
 19                   Forest Heights Park, or on Mickens Road south of Hooper Road and northwest of  
 20                   Lanier Drive.

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

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

29                           (a) The board of directors of the Forest Heights Park Homeowners  
 30                   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 assessor for the parish of East Baton Rouge shall appoint one**  
7                   **member.**

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

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

14                   **(b) Members shall be eligible for reappointment.**

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

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

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

27                   **(7) 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 board.**

1           (8) The board shall adopt such rules and regulations as it deems necessary  
2           or advisable for conducting its business affairs. Rules and regulations of the board  
3           relative to the notice and conduct of meetings shall conform to applicable law. The  
4           board shall hold regular meetings as shall be provided for in the bylaws and may  
5           hold special meetings at such times and places within the district as may be  
6           prescribed in the bylaws.

7           (9) A majority of the members of the board shall constitute a quorum for the  
8           transaction of business. The board shall keep minutes of all meetings and shall make  
9           them available through the secretary of the board.

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

13          (11) The domicile of the board shall be within the district.

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

16           (1) To sue and be sued.

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

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

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

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

26           (6) To enter into contracts and agreements with one or more other districts  
27           for the joint security, improvement, or betterment of all participating in this district.

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

1                   (8) To acquire or lease items and supplies which the board deems necessary  
2                   for the achievement of the purposes of the district.

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

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

10                  F. Parcel fee. The district may impose and collect a parcel fee within the  
11                  district subject to and in accordance with the provisions of this Subsection.

12                  (1)(a) The fee shall be imposed on each improved and unimproved parcel  
13                  located within the district. The owner of the parcel shall be responsible for payment  
14                  of the fee.

15                  (b) For the purposes of this Section, "parcel" is defined as a lot, a subdivided  
16                  portion of ground, or an individual tract which is zoned residential; however, the  
17                  term "parcel" shall not include "condominium parcel" or "condominium property"  
18                  as defined in R.S. 9:1121.103.

19                  (2)(a) The initial amount of the fee shall be as provided by duly adopted  
20                  resolution of the governing authority of the district. The initial fee shall not exceed  
21                  one hundred twenty dollars per parcel per year.

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

26                  (3) Not less than five years after approval of the parcel fee by a majority of  
27                  the registered voters of the district as provided in this Subsection, the governing  
28                  authority of the district may increase the amount of the parcel fee one time without  
29                  election. The amount of the increased fee shall be as provided in a duly adopted  
30                  resolution of the board, not to exceed two hundred fifty dollars per parcel per year.

1           (4) A parcel fee shall expire ten years after its levy but may be renewed if  
2           the renewal is approved by the voters in the manner provided in Subparagraph (2)(b)  
3           of this Subsection. The renewed fee shall not exceed two hundred fifty dollars per  
4           parcel per year. If renewed, the term of the imposition of the fee shall be as provided  
5           in the proposition authorizing such renewal, not to exceed ten years.

6           (5) The fee shall be collected at the same time and in the same manner as ad  
7           valorem taxes are collected by the sheriff, as ex officio tax collector, of the parish of  
8           East Baton Rouge. The sheriff shall collect and remit to the district all amounts  
9           collected. The district may enter into an agreement with the sheriff to authorize the  
10          sheriff to retain a collection fee.

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

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

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

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

21          I. Miscellaneous provisions. (1) It is the purpose and intent of this Section  
22          that the additional law enforcement personnel and their services provided for through  
23          the fees authorized in this Section shall be supplemental to and not in lieu of  
24          personnel and services provided in the district by the city of Baton Rouge, parish of  
25          East Baton Rouge.

26          (2) If the district ceases to exist, any funds of the district shall be transmitted  
27          to the governing authority of the city of Baton Rouge, parish of East Baton Rouge  
28          and shall be used for law enforcement purposes in the area which comprised the  
29          district.

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

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

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

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

13           (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.  
14           9:2792.1 through 2792.9, a person serving the district as a board member or officer  
15           shall not be individually liable for any act or omission arising out of the performance  
16           of his duties.

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

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_