

ACT No. 341

2015 Regular Session

HOUSE BILL NO. 526

BY REPRESENTATIVE OURSO

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
21 First, Second, Third, Fifth, Sixth, and Seventh filed with the East Baton Rouge
22 Parish Clerk of Court including Lots 1 through 507, and more particularly described
23 as follows: beginning at the intersection of Shenandoah Boulevard and Jones Creek
24 Road, at the southeastern corner of Lot 24 of Woodlawn Park Subdivision, proceed
25 north along the eastern boundaries of Lots 24 through 14 of Woodlawn Park

1 Subdivision, then northwest along the northern boundaries of Lots 14 and 13 of
2 Woodlawn Park Subdivision and Lots 410-418 of Woodlawn Estates. From the
3 northwest corner of Lot 418 Woodlawn Estates, proceed in a northeasterly direction
4 to the southeast corner of Lot 434 of Woodlawn Estates. From this point, go north
5 along the easterly boundaries of Lots 434-428 of Woodlawn Estates. From the
6 northeast corner of Lot 428, go west along its northern boundary, then diagonally to
7 the northeast corner of Lot 421, continuing along the northern boundary of Lot 421
8 to its northwest corner. From there proceed south along the western boundaries of
9 Lots 421-427 to the southwest corner of Lot 427. Continue southeast diagonally to
10 the northeast corner of Lot 419. From that point continue in a northwest direction
11 along the northern boundaries of Lots 419-420, 435-447 of Woodlawn Estates, then
12 continuing in a westerly direction along the northern boundaries of Lots 447-449,
13 495-497, then south along the western boundaries of Lots 497-507, Lot 313, Lots
14 170-196, to the southwest corner of Lot 196, then in an easterly direction along the
15 southern boundaries of Lots 196 and Lots 245-250, then south along the western
16 boundaries of Lots 25-13, then east along the southern boundaries of Lots 13-3 and
17 Lot 1. From the southeast corner of Lot 1 proceed north along the eastern boundaries
18 of Lots 1, 2, 118-107, and Lots 134-140, then east along Shenandoah Avenue
19 diagonally to the Point of Beginning.

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

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

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

28 (b) The member of the Louisiana House of Representatives whose district
29 encompasses all or the greater portion of the area of the district shall appoint one
30 member.

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

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

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

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

11 (b) Members shall be eligible for reappointment.

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

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

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

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

27 (8) The board shall adopt such rules and regulations as it deems necessary
28 or advisable for conducting its business affairs. The board shall hold regular
29 meetings as shall be provided for in the bylaws and may hold special meetings at

1 such times and places within East Baton Rouge Parish as may be prescribed in the
2 bylaws.

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

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

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

10 (1) To sue and be sued.

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

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

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

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

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

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

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

26 (9) To procure and maintain liability insurance against any personal or legal
27 liability of a board member that may be asserted or incurred based upon service as
28 a member of the board or that may arise as a result of actions taken within the scope
29 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
30 the proposition at an election as provided in Subparagraph (c) of this Paragraph. If

1 the fee and board's authority to increase the fee is renewed, the term of the
2 imposition of the fee shall be as provided in the proposition authorizing such
3 renewal, not to exceed ten years.

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

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

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

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

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

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

24 (2) If the district ceases to exist, any funds, equipment, and property of the
25 district shall be transmitted to the governing authority of the municipality in which
26 district is located if the district was in an incorporated area or to the governing
27 authority of the parish of East Baton Rouge if the district was not in an incorporated
28 area and shall be used only within the district for the purposes set forth in this
29 Section.

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 or she derived an improper personal
 13 benefit.

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____