

2020 Regular Session

HOUSE BILL NO. 372

BY REPRESENTATIVE JAMES

DISTRICTS/CRIME PREVENT: Creates the Forest Oak Windsor Place Crime Prevention, Improvement, and Beautification District in East Baton Rouge Parish

1 AN ACT

2 To enact R.S. 33:9097.32, relative to East Baton Rouge Parish; to create the Forest Oak
3 Windsor Place Crime Prevention, Improvement, and Beautification District; to
4 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, subject to voter approval; and to provide for related
7 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. 33:9097.32 is hereby enacted to read as follows:

13 §9097.32. Forest Oak Windsor Place Crime Prevention, Improvement, and
14 Beautification 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 Oak Windsor Place Crime Prevention,
18 Improvement, and Beautification District, referred to in this Section as the "district".
19 The district shall be a political subdivision of the state as defined in the Constitution
20 of Louisiana.

1 B. Boundaries. The district shall include the area within the following
2 boundaries: beginning at the intersection of North Sherwood Forest Drive and
3 Florida Boulevard, then east along Florida Boulevard to its intersection with North
4 Flannery Road, then north along North Flannery to its intersection with the railroad
5 track immediately to the north of South Choctaw Drive, then west along the railroad
6 track to its intersection with North Sherwood Forest Drive, then south along North
7 Sherwood Forest Drive to the point of beginning.

8 C. The purpose of the district is to aid in crime prevention and to add to the
9 security of the district residents by providing for an increase in the presence of law
10 enforcement personnel in the district and to add to the overall betterment of the
11 district by providing for beautification and other improvements within the district.

12 D. Governance. (1) In order for the orderly development and effectuation
13 of the services to be furnished by the district and to provide for the representation in
14 the district's affairs of those persons and interests immediately concerned with and
15 affected by the purposes and development of the area included within the district, the
16 affairs of the district shall be managed by a board of commissioners, referred to in
17 this Section as the "board", comprised of the members of the governing board of the
18 Forest Oaks Windsor Place Civic Association.

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

22 (3) The secretary of the board shall maintain the minute books and archives
23 of the district. The monies, funds, and accounts of the district shall be in the official
24 custody of the board.

25 (4) The board shall adopt such bylaws as it deems necessary or advisable for
26 conducting its business affairs. Rules and regulations of the board relative to the
27 notice and conduct of meetings shall conform to applicable law, including, if
28 applicable, the Open Meetings Law. The board shall hold regular meetings as

1 provided for in the bylaws and may hold special meetings at times and places within
2 the district as prescribed in the bylaws.

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

6 (6) The members of the board shall serve without compensation but shall be
7 reimbursed for their reasonable out-of-pocket expenses directly related to the
8 governance of the district.

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

11 (1) To sue and be sued.

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

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

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

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

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

23 (1) The fee shall be imposed by duly adopted resolution of the board. The
24 fee shall be a flat fee not to exceed one hundred seventy-five dollars per parcel per
25 year for lots zoned for residential use and five hundred dollars per parcel per year for
26 lots zoned for commercial use. The fee imposed on each parcel whose owner
27 qualifies for the special assessment level provided by Article VII, Section 18(G)(1)
28 of the Constitution of Louisiana shall be fifty percent of the amount of the fee that
29 would otherwise be imposed on such a parcel.

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

4 (3) For purposes of this Section, "parcel" means a lot, a subdivided portion
5 of ground, an individual tract, or a "condominium parcel" as defined in R.S.
6 9:1121.103.

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

10 (5) The term of the imposition of the fee shall be as provided in the
11 proposition authorizing the fee, not to exceed ten years. The fee may be renewed if
12 the renewal is approved by the voters in the manner provided in Paragraph (4) of this
13 Subsection. If renewed, the term of the imposition of the fee shall be as provided in
14 the proposition authorizing such renewal, not to exceed ten years.

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

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

24 G. Additional contributions. The district may solicit, accept, and expend
25 additional voluntary contributions and grants to carry out its purposes.

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

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

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

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

10 J. 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 shall be liable to the district or to any
15 individual who resides, owns property, visits, or otherwise conducts business in the
16 district for monetary damages, for breach of his duties as a board member or officer,
17 provided that this provision shall not eliminate or limit the liability of a board
18 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 or she derived an improper personal
22 benefit.

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

27 Section 2. This Act shall become effective upon signature by the governor or, if not
28 signed by the governor, upon expiration of the time for bills to become law without signature
29 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 372 Original

2020 Regular Session

James

Abstract: Creates the Forest Oak Windsor Place Crime Prevention, Improvement, and Beautification 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 Forest Oak Windsor Place Crime Prevention, Improvement, and Beautification 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 comprised of the members of the governing board of the Forest Oaks Windsor Place Civic Assoc.

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 and to provide for improved lighting, signage, or matters relating to the security of the district.

Proposed law authorizes the board, subject to voter approval, to impose and collect a parcel fee on each improved and unimproved parcel within the district. Provides that the amount of the fee shall be in a duly adopted resolution of the board and shall not exceed \$175 per year for residential parcels and \$500 per year for commercial parcels. Provides that parcels qualifying for the special assessment level of Art. VII, Section 18(G)(1) of the La. Constitution shall have a fee of 50% of what would otherwise be imposed on such a parcel.

Proposed law provides that the term of the fee expires at the time provided in the proposition authorizing the fee, not to exceed 10 years, but authorizes renewal of the fee for a term not to exceed 10 years, also subject to voter approval. Defines "parcel" as a lot, a subdivided portion of ground, an individual tract, or a "condominium parcel" as defined in present law (R.S. 9:1121.103).

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 shall be transmitted to the city-parish to be used for law enforcement purposes in the area which comprised the district.

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

(Adds R.S. 33:9097.32)