
DIGEST

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Alfred Williams

HB No. 260

Abstract: Creates the Goodwood Homesites Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish in order to aid in crime prevention and to add to the security of district residents by providing for an increase in the presence of law enforcement personnel in the district. Provides for a board of commissioners and for the imposition and use of a parcel fee.

Proposed law creates the Goodwood Homesites Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish as a political subdivision of the state in order to aid in crime prevention and to add to the security of district residents by providing for an increase in the presence of law enforcement personnel in the district. Provides for district boundaries.

Proposed law provides that the district shall be governed by an 11-member board of commissioners composed as follows:

- (1) The president of the Goodwood Homesites Civic Association (association), Inc., shall be a member.
- (2) Six members appointed by the board of directors of the association.
- (3) One member appointed by the mayor-president of the city of Baton Rouge, parish of East Baton Rouge from a list of nominations submitted by the association.

- (4) One member appointed by the member of the governing authority of the city of Baton Rouge, parish of East Baton Rouge whose council district encompasses all or the greater portion of the area of the district from a list of nominations submitted by the association.
- (5) 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.
- (6) One member appointed by the member of the La. Senate whose district encompasses all or the greater portion of the area 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 collected pursuant to proposed law and in accordance with a budget adopted as provided by proposed law.
- (4) To provide or enhance security patrols.
- (5) To enter into contracts and agreements with one or more other districts for the joint security, improvement, or betterment of all participating districts.
- (6) To perform or have performed any other function or activity necessary for achieving the district's purpose.

Proposed law authorizes the governing authority of the city of Baton Rouge, parish of East Baton Rouge, subject to voter approval, to impose and collect a parcel fee within the district which amount shall be as requested by duly adopted board resolution. Provides that the amount of the fee shall not be more than \$150 per parcel per year on residential properties and \$450 per parcel per year on commercial properties; however, provides that the fee shall not exceed \$70 per parcel per year if any of the owners of the parcel is a person 70 years of age or older. Requires that the fee be imposed on each improved parcel located within the district.

Proposed law 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 expire five years after its levy but authorizes renewal of the fee. Provides that the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed eight years.

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.

Proposed law requires that the fee proceeds be used solely and exclusively for the district's purpose and benefit. Requires the sheriff to remit to the district all amounts collected not more than 60 days after collection; however, authorizes the district to enter into an agreement with the sheriff to authorize the sheriff to retain a collection fee.

Proposed law authorizes the district's solicitation and acceptance of voluntary contributions and grants to further district purposes.

Proposed law requires the board to adopt an annual budget in accordance with the Local Government Budget Act and provides that the district shall be subject to audit by the legislative auditor.

Proposed law provides that its intent is that additional security patrols provided by the district shall be supplemental to and not in lieu of personnel and services provided in the district by the state, the city-parish, or their departments or agencies or by any other political subdivisions.

Proposed law permits dissolution of the district without the vote of the district's registered voters if a majority of the district's area becomes included in another district that serves similar purposes but includes additional parcels of adjacent property, if approved by at least six board members. Provides that district funds related to the portion of the district that is included in the new district, together with any other funds collected by East Baton Rouge Parish pursuant to proposed law that relate to such portion of the district, shall be transferred to the new district to be used for purposes of the new district. Proposed law provides that any remaining funds shall be transmitted by the board to the parish and that such funds shall be used only for law enforcement, security, improvement, and beautification purposes of the area that was formerly within the district but not in the new district. Further provides that if the district is dissolved according to proposed law, the authority to impose the parcel fee shall cease.

Proposed law requires the district to indemnify its officers and board members to the fullest extent permitted by present law (relative to indemnification of officers, directors, employees, and agents of nonprofit corporations) as fully as if the district were a nonprofit corporation governed thereby and as may be provided in district bylaws. Provides that no board member or officer shall be liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for monetary damages for breach of duties; however, provides that this shall not eliminate or limit the liability of a board member or officer for:

- (1) Acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law.
- (2) Any transaction from which he derived an improper personal benefit.

Proposed law provides that a board member or officer shall not be individually liable for any act or omission arising out of the performance of his duties to the fullest extent permitted by present law relative to limitation of liability of directors, officers, and trustees of certain organizations or districts.

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

(Adds R.S. 33:9097.19)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Clarifies that the provision for the fee not to exceed \$70 per parcel per year if any of the owners of the parcel is a person 70 years of age or older is not an additional fee.
2. Relative to the collection of the parcel fee, removes provision that authorizes the sheriff of East Baton Rouge Parish to retain 1% of the amount of the fee collected as a collection fee and instead authorizes the district to enter into an agreement with the sheriff to authorize the sheriff to retain a collection fee.