

Regular Session, 2013

HOUSE BILL NO. 658

BY REPRESENTATIVE JAMES

DISTRICTS/CRIME PREVENT: Creates the Sherwood Forest Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish

1 AN ACT

2 To enact R.S. 33:9097.19, relative to East Baton Rouge Parish; to create the Sherwood
3 Forest 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. 33:9097.19 is hereby enacted to read as follows:

13 §9097.19. Sherwood Forest 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 Sherwood Forest 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.

1 B. Boundaries.(1) The district shall include the area within the following
2 boundaries: beginning at the intersection of Sharp Road and Florida Boulevard,
3 northeast along Florida Boulevard (south side) to its intersection with South Flannery
4 Road, then south along South Flannery Road (west side) to its intersection with Jones
5 Creek (water body), then southwest along Jones Creek (water body)(north side) to
6 its intersection with Old Hammond Highway, then southwest along Old Hammond
7 Highway (north side) to its intersection with Jones Creek (water body), then
8 northwest along Jones Creek (water body)(north side) to its intersection with South
9 Sherwood Forest Boulevard, then south along South Sherwood Forest Boulevard
10 (both sides) to its intersection with Old Hammond Highway, then southwest along
11 Old Hammond Highway (north side) to its intersection with the right of way for
12 electrical transmission lines, as described in Paragraph (5) of this Subsection, then
13 northwest along the right of way (northeast side) to its intersection with Sharp Road,
14 then northwest along Sharp Road (east side) to the point of beginning.

15 (2) The district shall also include property located within the Sharpstone
16 subdivision within the parish of East Baton Rouge described as follows:

17 A certain tract or parcel of ground, situated in the City of Baton Rouge, State
18 of Louisiana, in Section 87, TOWNSHIP 7 South, Range 1 East, Greensberg Land
19 District of Louisiana, and being designated on Final Plat of SHARPSTONE made
20 by Edward E. Evans & Associates, Inc., dated October 1, 1982, approved by
21 Robert S. Dolese, Planning Director of the City of Baton Rouge and the Parish of
22 East Baton Rouge, November 4, 1982, a copy of which is on file in the Office of the
23 Clerk and Recorder of the Parish of East Baton Rouge in Original 680, Bundle 9532,
24 the said Sharpstone Townhome Community being more particularly described on
25 said plat as being formerly Lot C of the H. Burgess Harelson, Sr. Home Place and
26 measuring 468.73 feet front on the East side of Sharp Road, by a depth on its North
27 side of 553.6 feet, by depth on its South side of 777.75 feet and measuring 412.8 feet
28 across the rear.

1 (3) The district shall also include the area within the following boundaries:
2 beginning at the intersection of South Sherwood Forest Boulevard and Old
3 Hammond Highway, northeast along Old Hammond Highway (north side) to its
4 intersection with King Richard Drive, then north along King Richard Drive, then east
5 along King Richard Drive, then south along King Richard Drive to its intersection
6 with Old Hammond Highway, then southwest along Old Hammond Highway (north
7 side) to the point of beginning.

8 (4)(a) The district shall not include any property located on McGehee Drive,
9 Jennifer Lynn Avenue, or South Flannery Road south of Arlingford Avenue.

10 (b) The district shall not include any property located within the fourth and
11 fifth filings of the Sherwood Forest Place Subdivision described in the official
12 subdivision plat filed with the clerk of court of East Baton Rouge Parish as follows:

13 (i) Forty-five (45) certain lots or parcels of ground, together with all
14 buildings and improvements thereon, situated in the Parish of East Baton Rouge,
15 State of Louisiana, being designated as Lots 170 through 214, in that subdivision
16 known as Sherwood Forest Place, Fourth Filing and designated on the official map
17 or plan thereof prepared by GWS Engineering, Inc. dated May 11, 1998, entitled
18 "Final Plat of Sherwood Forest Place, Fourth Filing" located in Sections 5 & 8,
19 Township 7 South, Range 2 East, Greensburg Land District of Louisiana, a copy of
20 which is on file and of record as Original 789, Bundle 10892, with the Clerk and
21 Recorder for the said Parish and State.

22 (ii) Eleven (11) certain lots or parcels of ground, together with all buildings
23 and improvements thereon, situated in the Parish of East Baton Rouge, State of
24 Louisiana, being designated as Lots 215 through 225, in that subdivision known as
25 Sherwood Forest Place, Fifth Filing and designated on the official map or plan
26 thereof prepared by GWS Engineering, Inc. dated May 11, 1998, entitled "Final Plat
27 of Sherwood Forest Place, Fifth Filing" located in Section 8, Township 7 South,
28 Range 2 East, Greensburg Land District of Louisiana, copy of which is on file and

1 of record as Original 791, Bundle 10892, with the Clerk and Recorder for the said
2 Parish and State.

3 (5) The right-of-way for electrical transmissions lines referred to in
4 Paragraph (1) of this Subsection is known as being transferred by Harrington B.
5 Harelson to Baton Rouge Electric Company at COB 231; Folio 342, EBR Parish,
6 LA, dated 10-26-29. The right-of-way is described as being included within the
7 following perimeter: south by Baton Rouge Hammond Highway, west by Sharp
8 Road, north by E. R. Sharp, east by George E. Sharp Heirs.

9 C. Purpose. The purpose of the district shall be to aid in crime prevention
10 and to add to the security of district residents by providing for an increase in the
11 presence of law enforcement personnel in the district and to serve the needs of the
12 residents of the district by funding beautification and improvements for the overall
13 betterment of the district.

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

17 (a) The board of directors of the Sherwood Forest Citizens' Association shall
18 appoint four members.

19 (b) The member of the Louisiana House of Representatives whose district
20 encompasses all or the greater portion of the area of the district shall appoint one
21 member.

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

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

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

28 (3)(a) Members shall serve four-year terms after initial terms as provided in
29 this Subparagraph. Two members shall serve an initial term of one year; two shall

1 serve two years; two shall serve three years, and one shall serve four years, as
2 determined by lot at the first meeting of the board.

3 (b) Members shall be eligible for reappointment.

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

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

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

16 (7) The minute books and archives of the district shall be maintained by the
17 secretary of the board. The monies, funds, and accounts of the district shall be in the
18 official custody of the board.

19 (8) The board shall adopt such rules and regulations as it deems necessary
20 or advisable for conducting its business affairs. Rules and regulations of the board
21 relative to the notice and conduct of meetings shall conform to applicable law,
22 including, if applicable, the Open Meetings Law. The board shall hold regular
23 meetings as shall be provided for in the bylaws and may hold special meetings at
24 such times and places within the district as may be prescribed in the bylaws.

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

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

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

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

7 (1) To sue and be sued.

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

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

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

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

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

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

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

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

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

1 F. Parcel fee. The governing authority of the city of Baton Rouge, parish of
2 East Baton Rouge is hereby authorized to impose and collect a parcel fee within the
3 district subject to and in accordance with the provisions of this Subsection.

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

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

11 (2)(a) The initial amount of the fee shall be as requested by duly adopted
12 resolution of the governing authority of the district. The initial fee shall not exceed
13 seventy-five dollars per parcel per year.

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

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

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

28 (5) The fee shall be collected at the same time and in the same manner as ad
29 valorem taxes are collected by the sheriff, as ex officio tax collector, of the parish of

1 East Baton Rouge. The sheriff shall collect and remit to the district all amounts
2 collected not more than sixty days after collection. The sheriff shall retain as a
3 commission the same percentage of collectable amounts as he receives for the
4 collection of ad valorem taxes.

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

8 G. Additional contributions. The district is authorized to solicit and accept
9 additional voluntary contributions and grants to further the purposes of the district.

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

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

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

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

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

27 (2) No board member or officer of the district shall be liable to the district
28 or to any individual who resides, owns property, visits, or otherwise conducts
29 business in the district for monetary damages for breach of his duties as a board

1 member or officer, provided that the foregoing provision shall not eliminate or limit
2 the liability of a board member or officer for any of the following:

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

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

6 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
7 9:2792.1 through 2792.9, a person serving the district as a board member or officer
8 shall not be individually liable for any act or omission arising out of the performance
9 of his duties.

10 Section 2. This Act shall become effective upon signature by the governor or, if not
11 signed by the governor, upon expiration of the time for bills to become law without signature
12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
14 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)]

James

HB No. 658

Abstract: Creates the Sherwood Forest 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 Sherwood Forest 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 a seven-member board of commissioners composed as follows:

- (1) Four members appointed by the board of directors of the Sherwood Forest Citizens' Association.
- (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 assessor for East Baton Rouge Parish.

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 enter into contracts and agreements with one or more other districts for the joint security, improvement, or betterment of all participating districts.
- (5) To perform or have performed any other function or activity necessary for achieving the district's purpose.

Proposed law authorizes the governing authority of city of Baton Rouge, parish of East Baton Rouge, subject to voter approval, to impose and collect a parcel fee within the district. Provides that the initial amount of the fee shall be as requested by duly adopted resolution of the governing authority of the district not to exceed \$75 per parcel per year. Requires that the fee be imposed on each improved and unimproved parcel located within the district. Authorizes the board, not less than five years from the initial imposition of the fee to increase the fee one time without election, not to exceed \$200.

Proposed law defines parcel as a lot, a subdivided portion of ground, or an individual tract which is zoned residential. Provides that the term shall not include condominium parcel or condominium property as defined in present law (R.S. 9:1121.103).

Proposed law provides that the fee shall expire 10 years after its levy but authorizes renewal of the fee. Provides that the amount of the renewal shall not exceed \$200 and the term of the imposition of the fee shall be as provided in the proportion authorizing such renewal, not to exceed 10 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 city 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. Authorizes the sheriff to retain the same percentage of collectable amounts as he receives for the collection of ad valorem taxes. Requires the sheriff to remit to the district all amounts collected not more than 60 days after collection.

Proposed law requires the district's board to adopt an annual budget in accordance with present law (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 the city-parish.

Proposed law requires the district's board, if the district ceases to exist, to transmit all district funds to the city-parish to be used for law enforcement purposes in the area which comprised the district.

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)