

Regular Session, 2013  
HOUSE BILL NO. 658  
BY REPRESENTATIVE JAMES

# ACT No. 116

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.

21 B. Boundaries.(1) The district shall include the area within the following  
22 boundaries: beginning at the intersection of Sharp Road and Florida Boulevard,  
23 northeast along Florida Boulevard (south side) to its intersection with South Flannery  
24 Road, then south along South Flannery Road (west side) to its intersection with Jones

1           Creek (water body), then southwest along Jones Creek (water body)(north side) to  
 2           its intersection with Old Hammond Highway, then southwest along Old Hammond  
 3           Highway (north side) to its intersection with Jones Creek (water body), then  
 4           northwest along Jones Creek (water body)(north side) to its intersection with South  
 5           Sherwood Forest Boulevard, then south along South Sherwood Forest Boulevard  
 6           (both sides) to its intersection with Old Hammond Highway, then southwest along  
 7           Old Hammond Highway (north side) to its intersection with the right of way for  
 8           electrical transmission lines, as described in Paragraph (5) of this Subsection, then  
 9           northwest along the right of way (northeast side) to its intersection with Sharp Road,  
 10          then northwest along Sharp Road (east side) to the point of beginning.

11                   (2) The district shall also include property located within the Sharpstowne  
 12                   subdivision within the parish of East Baton Rouge described as follows:

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

25                   (3) The district shall also include the area within the following boundaries:  
 26                   beginning at the intersection of South Sherwood Forest Boulevard and Old  
 27                   Hammond Highway, northeast along Old Hammond Highway (north side) to its  
 28                   intersection with King Richard Drive, then north along King Richard Drive, then east  
 29                   along King Richard Drive, then south along King Richard Drive to its intersection

1 with Old Hammond Highway, then southwest along Old Hammond Highway (north  
2 side) to the point of beginning.

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

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

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

17 (ii) Eleven (11) certain lots or parcels of ground, together with all buildings  
18 and improvements thereon, situated in the Parish of East Baton Rouge, State of  
19 Louisiana, being designated as Lots 215 through 225, in that subdivision known as  
20 Sherwood Forest Place, Fifth Filing and designated on the official map or plan  
21 thereof prepared by GWS Engineering, Inc. dated May 11, 1998, entitled "Final Plat  
22 of Sherwood Forest Place, Fifth Filing" located in Section 8, Township 7 South,  
23 Range 2 East, Greensburg Land District of Louisiana, copy of which is on file and  
24 of record as Original 791, Bundle 10892, with the Clerk and Recorder for the said  
25 Parish and State.

26 (5) The right-of-way for electrical transmissions lines referred to in  
27 Paragraph (1) of this Subsection is known as being transferred by Harrington B.  
28 Harelson to Baton Rouge Electric Company at COB 231; Folio 342, EBR Parish,  
29 LA, dated 10-26-29. The right-of-way is described as being included within the

1 following perimeter: south by Baton Rouge Hammond Highway, west by Sharp  
 2 Road, north by E. R. Sharp, east by George E. Sharp Heirs.

3 C. Purpose. The purpose of the district shall be to aid in crime prevention  
 4 and to add to the security of district residents by providing for an increase in the  
 5 presence of law enforcement personnel in the district and to serve the needs of the  
 6 residents of the district by funding beautification and improvements for the overall  
 7 betterment of the district.

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

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

13 (b) The member of the Louisiana House of Representatives whose district  
 14 encompasses all or the greater portion of the area of the district shall appoint one  
 15 member.

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

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

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

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

26 (b) Members shall be eligible for reappointment.

27 (4) Any vacancy in the membership of the board, occurring either by reason  
 28 of the expiration of the term for which appointed or by reason of death, resignation,  
 29 or otherwise, shall be filled in the manner of the original appointment. If the  
 30 appointing authority responsible for the appointment of a member fails to fill a

1           vacancy within thirty days, the remaining members of the board shall appoint an  
2           interim successor to serve until the position is filled by the appointing authority.

3           (5) The board shall elect from its members a chairman, a vice chairman, a  
4           secretary, a treasurer, and such other officers as it may deem necessary. The duties  
5           of the officers shall be fixed by the bylaws adopted by 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, not to exceed one hundred dollars per year.

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

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

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

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

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

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

27                  (1) To sue and be sued.

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

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

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

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

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

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

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

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

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

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

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

28                  (b) For the purposes of this Section, a parcel shall be defined as a lot, a  
29                  subdivided portion of ground, or an individual tract which is zoned residential;

1            however, the term "parcel" shall not include "condominium parcel" or  
 2            "condominium property" as defined in R.S. 9:1121.103.

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

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

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

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

20           (5) The fee shall be collected at the same time and in the same manner as ad  
 21           valorem taxes are collected by the sheriff, as ex officio tax collector, of the parish of  
 22           East Baton Rouge. The sheriff shall collect and remit to the district all amounts  
 23           collected not more than sixty days after collection; however, the district may enter  
 24           into an agreement with the sheriff to authorize the sheriff to retain a collection fee.

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

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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

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

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

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

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

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

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

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

26                   (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.  
 27                   9:2792.1 through 2792.9, a person serving the district as a board member or officer  
 28                   shall not be individually liable for any act or omission arising out of the performance  
 29                   of his duties.



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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

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