

Regular Session, 2013

ACT No. 116

HOUSE BILL NO. 658

BY REPRESENTATIVE JAMES

1

AN ACT

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To enact R.S. 33:9097.19, relative to East Baton Rouge Parish; to create the Sherwood Forest Crime Prevention and Neighborhood Improvement District within the parish; to provide relative to the boundaries, purpose, governance, and powers and duties of the district; to provide relative to district funding, including the authority to impose a parcel fee within the district; to provide with respect to termination of the district; and to provide for related matters.

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Notice of intention to introduce this Act has been published

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as provided by Article III, Section 13 of the Constitution of

10

Louisiana.

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Be it enacted by the Legislature of Louisiana:

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Section 1. R.S. 33:9097.19 is hereby enacted to read as follows:

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§9097.19. Sherwood Forest Crime Prevention and Neighborhood Improvement

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District

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A. Creation. There is hereby created within the parish of East Baton Rouge, as more specifically provided in Subsection B of this Section, a body politic and corporate which shall be known as the Sherwood Forest Crime Prevention and Neighborhood Improvement District, referred to in this Section as the "district". The district shall be a political subdivision of the state as defined in the Constitution of Louisiana.

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B. Boundaries.(1) The district shall include the area within the following boundaries: beginning at the intersection of Sharp Road and Florida Boulevard, northeast along Florida Boulevard (south side) to its intersection with South Flannery 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 & Associations, 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.

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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____