

ST. TAMMANY PARISH COUNCIL

RESOLUTION

RESOLUTION COUNCIL SERIES NO: C-4105

COUNCIL SPONSOR: FALCONER/BRISTER PROVIDED BY: LEGAL DEPARTMENT

RESOLUTION TO ACKNOWLEDGE THE AUTHORITY PURSUANT TO HOME RULE CHARTER SECTIONS 1-04, 3-01 AND 3-09, FOR ST. TAMMANY PARISH GOVERNMENT, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO EXECUTE A COOPERATIVE ENDEAVOR AGREEMENT WITH THE TCHEFUNCTE RIVER FOUNDATION, INC. FOR REMOVAL OF ABANDONED/DERELICT VESSELS FROM THE TCHEFUNCTE RIVER WATERSHED.

WHEREAS, the prolonged presence of abandoned, inoperative, dismantled or wrecked vessels in the waters of the Tchefuncte River watershed are found to present a threat to public health and safety, to marine navigation and to the environment; and

WHEREAS, through Louisiana Revised Statute 34:843, St. Tammany Parish Government has the ability to remove or have removed abandoned/derelict vessels from any waterway following attempts to notify the owner; and

WHEREAS, The Tchefuncte River Foundation, Inc. has the ability, either directly or via contractors, to remove abandoned/derelict vessels from the Tchefuncte River watershed at no cost to St. Tammany Parish Government; and

WHEREAS, the Parish desires to enter into a Cooperative Endeavor Agreement to set forth each parties' obligations pertaining to the removal of abandoned/derelict vessels.

THE PARISH OF ST. TAMMANY HEREBY RESOLVES that St. Tammany Parish Government, through the Office of the Parish President, pursuant to Home Rule Charter Sections 1-04, 3-01 and 3-09 is authorized to execute a Cooperative Endeavor Agreement with The Tchefuncte River Foundation, Inc., which meets or exceeds all requirements of Louisiana law and jurisprudence, regarding the removal of abandoned/derelict vessels from the Tchefuncte River watershed and to take all actions necessary, including entering into all agreements or negotiations in furtherance of the actions contemplated herein.

BE IT FURTHER RESOLVED, that all acts previously taken by the Office of the Parish President in furtherance of the actions or agreements contemplated herein are hereby ratified and approved.

THIS RESOLUTION HAVING BEEN SUBMITTED TO A VOTE, THE VOTE THEREON WAS AS FOLLOWS:

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS RESOLUTION WAS DECLARED ADOPTED ON THE 10 DAY OF JULY , 2014, AT A REGULAR MEETING OF THE PARISH COUNCIL, A QUORUM OF THE MEMBERS BEING PRESENT AND VOTING.

R. REID FALCONER, AIA, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

Resolution Administrative Comment

RESOLUTION TO ACKNOWLEDGE THE AUTHORITY PURSUANT TO HOME RULE CHARTER SECTIONS 1-04, 3-01 AND 3-09, FOR ST. TAMMANY PARISH GOVERNMENT, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO EXECUTE A COOPERATIVE ENDEAVOR AGREEMENT WITH THE TCHEFUNCTE RIVER FOUNDATION, INC. FOR REMOVAL OF ABANDONED/DERELICT VESSELS FROM THE TCHEFUNCTE RIVER WATERSHED.

Per LSA 34:843, the Parish can notify an owner to have an abandoned vessel removed from any waterway in the Parish. If unable to identify the owner, published notice in the official journal is sufficient. After the passing of thirty days (direct notice or published notice), Parish can remove the vessel or transfer ownership at no consideration to a third party for removal. Parish will transfer the vessels to The Tchefuncte River Foundation, Inc. for removal. The Foundation will utilize its own funds or donated labor/equipment/funding to remove the vessels. The number of abandoned/derelict vessels to be removed shall remain dependent on Foundation's ability to fund or receive donated labor/equipment/funding the removal(s). Parish shall not incur any removal costs under the CEA.