

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5173

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: FALCONER/BRISTER

PROVIDED BY: LEGAL

INTRODUCED BY: MR. GOULD

SECONDED BY: MR. THOMPSON

ON THE 3 DAY OF APRIL , 2014

ORDINANCE TO AUTHORIZE THE PARISH OF ST. TAMMANY, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ACCEPT ALL IMMOVABLE PROPERTY, INCLUDING BUILDINGS, COMPONENT PARTS AND OTHER APPURTENANCES FROM THE ST. TAMMANY PARISH CORONER, PURSUANT TO LA R.S. 13:5725 (DISTRICT 11, WARD 7).

WHEREAS, St. Tammany Parish Government desires to accept the transfer of all immovable property, including buildings, component parts and other appurtenances from the St. Tammany Parish Coroner pursuant to LA R.S.13:5725, described in Exhibit "A", attached hereto; and

WHEREAS, there is a need and public purpose for the transfer of all immovable property, including buildings, component parts and other appurtenances; and

WHEREAS, the Parish of St. Tammany hereby desires to accept the transfer of all immovable property, including buildings, component parts and other appurtenances from the St. Tammany Parish Coroner and authorizes the Office of the Parish President to do whatever is necessary to obtain all immovable property, including buildings, component parts and other appurtenances via Act of Transfer.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: to authorize the Parish of St. Tammany to accept all immovable property, including buildings, component parts and other appurtenances, described in Exhibit "B", attached hereto.

BE IT FURTHER ORDAINED, that pursuant to all applicable provisions of law, the Office of the Parish President is directed and authorized to do whatever is necessary to accept the transfer of certain assets, immovable property and improvements.

BE IT FURTHER ORDAINED, that the Office of the Parish President is authorized and instructed to proceed with the Act of Transfer of all immovable property, including buildings, component parts and other appurtenances.

BE IT FURTHER ORDAINED, that the Office of the Parish President is authorized to exercise its discretion in accepting all immovable property, including buildings, component parts and other appurtenances, together with all agreements and all transactions necessary to carry out the intent of this Ordinance; and

BE IT FURTHER ORDAINED, that any and all actions previously taken by the Office of the Parish President in furtherance of the actions contemplated herein are ratified and accepted accordingly.

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 1 DAY OF MAY, 2014; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

R. REID FALCONER, AIA, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: March 27, 2014

Published Adoption: _____, 2014

Delivered to Parish President: _____, 2014 at _____

Returned to Council Clerk: _____, 2014 at _____

EXHIBIT "A"

HLS 13RS-419

ENGROSSED

Regular Session, 2013

HOUSE BILL NO. 561

BY REPRESENTATIVE TIM BURNS AND SENATOR NEVERS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CORONERS: Provides relative to the coroner of St. Tammany Parish

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AN ACT

To enact R.S. 13:5725 and to repeal R.S. 13:5724, relative to the coroner of St. Tammany Parish; to require the governing authority of St. Tammany Parish to collect certain tax revenues levied for purposes of the St. Tammany Parish coroner's office; to require all collected revenues to be deposited into a special account for designated use; to require the governing authority to establish an annual salary for the St. Tammany Parish coroner; to require the governing authority to establish the salaries of employees of the coroner's office; to provide for certain responsibilities of the governing authority relative to the use of the tax proceeds; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5725 is hereby enacted to read as follows:

§5725. St. Tammany Parish; coroner; powers and duties; compensation of coroner and employees

A. The governing authority of St. Tammany Parish shall receive all tax revenues collected from the ad valorem tax levied by St. Tammany Parish for coroner purposes and approved by a majority of the electors of the parish at an election held for that purpose on November 2, 2004, including any extensions or renewals thereof. The St. Tammany Parish coroner's office shall transfer any and all funds on hand received from the ad valorem tax to the governing authority of St.

1 Tammany Parish, less and except amounts needed for operation for the remainder
2 of calendar year 2013, with the amount being determined by the St. Tammany Parish
3 finance department. Any contracts or purchase agreements entered into by the St.
4 Tammany Parish coroner's office shall require approval or ratification by the
5 governing authority of St. Tammany Parish.

6 B. The revenues collected by the governing authority pursuant to Subsection
7 A of this Section shall be deposited into a special account and expended solely for
8 the purposes set forth in the ad valorem tax proposition approved by the voters, less
9 and except St. Tammany Parish's administrative fees, costs associated with
10 administration of the ad valorem tax levied, St Tammany Parish's costs associated
11 with oversight of the St. Tammany Parish coroner's office, and amounts necessary
12 to service bonds or other debt obligations secured by the ad valorem tax. St.
13 Tammany Parish shall be deemed to have fully and completely met its obligations
14 to fund the St. Tammany Parish coroner's office as set forth in R.S. 13:5706 and
15 5710. Notwithstanding any provisions of law to the contrary, St. Tammany Parish
16 shall not be obligated to pay any other fee or cost and all obligations to the coroner
17 are limited as provided for in this Subsection.

18 C.(1) All salaries or fees associated with the operation of the coroner's office
19 shall be funded and paid from revenues collected pursuant to Subsection A of this
20 Section.

21 (2) An annual salary shall be established by the governing authority of the
22 parish of St. Tammany to be paid to the coroner in lieu of all fees for his services as
23 parish coroner, ex officio parish physician, or health officer.

24 (3) The governing authority shall also establish an annual salary for the
25 deputy or assistant coroners, secretaries, stenographers, clerks, technicians,
26 investigators, official photographers, or other employees.

27 D. The coroner of St. Tammany Parish shall not own or acquire immovable
28 property. Any and all immovable property, including buildings, component parts
29 and other appurtenances, previously owned by St. Tammany Parish and transferred

1 to the St. Tammany Parish coroner's office shall be transferred to the governing
2 authority of St. Tammany Parish free and clear of all mortgages, liens, or other
3 encumbrances within six months of the effective date of this Section.

4 E. Within six months of the effective date of this Section, the governing
5 authority of St. Tammany Parish and the St. Tammany Parish coroner's office shall
6 enter into a restated cooperative endeavor agreement, including but not limited to the
7 following provisions:

8 (1) Requiring use of all tax revenues in strict conformity with the tax
9 proposition approved by the voters.

10 (2) Requiring compliance with public bid and procurement laws.

11 (3) Annual forensic audits as required at the sole discretion of the governing
12 authority of St. Tammany Parish, in addition to any other audits required by law, for
13 review by the governing authority of St. Tammany Parish.

14 Section 2. R.S.13:5724 is hereby repealed in its entirety.

15 Section 3. This Act shall become effective upon signature by the governor or, if not
16 signed by the governor, upon expiration of the time for bills to become law without signature
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
19 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)]

Tim Burns

HB No. 561

Abstract: Requires the governing authority for St. Tammany Parish to receive certain tax revenues on behalf of the St. Tammany Parish coroner's office and further provides for responsibilities and duties related to the use of the tax revenues.

Present law requires the coroner of St. Tammany Parish to directly receive all tax revenues collected from the ad valorem tax levied by the police jury and approved by a majority of the electors of the parish, less and except all amounts required to pay any bonds or other debt obligations issued by the parish which are secured by and payable from the coroner's tax.

Proposed law repeals present law.

Present law requires St. Tammany Parish and the coroner of St. Tammany Parish to enter into a cooperative endeavor agreement to specify details concerning the coroner's tax.

Proposed law repeals present law.

Present law requires the coroner of St. Tammany Parish to be responsible for the fiscal operation of the coroner's office.

Proposed law repeals present law.

Proposed law provides that the parish shall have fully and completely met its obligations to the coroner's office and shall not be obligated to pay any other fee or cost after the transfer of certain proceeds for certain purposes.

Proposed law repeals present law.

Present law requires the coroner of St. Tammany Parish to prepare and present to the governing authority of the parish an annual report showing the operations of his office, the monies received by the office, and the purposes for which the monies were expended, along with an estimate of prospective revenues and proposed expenditures and expenses for the ensuing year.

Proposed law repeals present law.

Proposed law requires the governing authority of St. Tammany Parish to receive all tax revenues collected from an ad valorem tax levied by the parish for coroner purposes and approved by a majority of the voters including any extensions or renewals.

Proposed law further requires the coroner's office to transfer any and all funds on hand received from the ad valorem tax to the governing authority less and except amounts needed for operation for the remainder of the 2013 calendar year as determined by the St. Tammany Parish finance department, and further requires that any contracts or purchase agreements entered into by the coroner's office be approved or ratified by the governing authority.

Proposed law requires all revenues collected by the governing authority pursuant to proposed law to be deposited into a special account and expended solely for the purposes set forth in the tax proposition approved by the voters, less and except the following fees: the parish's administrative fees; the parish's costs associated with administration of the ad valorem tax levied; the parish's costs associated with oversight of the coroner's office; and the amounts necessary to service bonds or other obligation secured by the ad valorem tax.

Proposed law provides for satisfaction of the parish's obligations to fund the coroner's office as provided for in present law and prevents the parish from being obligated to pay any other fee or cost.

Proposed law requires the governing authority to establish an annual salary in lieu of all fees and services for the coroner and all employees associated with the operation of the coroner's office to be funded from the revenues collected from the ad valorem tax and paid by the governing authority.

Proposed law prohibits the coroner from owning or acquiring any immovable property and requires all previously owned immovable property owned by the parish that was transferred to the coroner's office to be transferred back to the parish free and clear of all mortgages, liens, or other incumbrance within six months.

Proposed law requires, within six months, for the governing authority and the coroner to enter into a restated cooperative endeavor agreement, including but not limited to the following provisions:

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- (1) Requiring use of all tax revenues in strict conformity with the tax proposition approved by the voters.
- (2) Requiring compliance with public bid and procurement laws.
- (3) Annual forensic audits as required at the sole discretion of the governing authority of the parish in addition to any other audits required by law for review by the parish.

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

(Adds R.S. 13:5725; Repeals R.S.13:5724)

EXHIBIT "B"

A PORTION OF GROUND, together with all buildings and improvements thereon, and all rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, lying and being situated in St. Tammany Parish, Louisiana in the SW 1/4 of Section 4 and the SE 1/4 of Section 5, Township 8 South, Range 13 East, Greensburg Land District, St. Tammany Parish, Louisiana, beginning at a point, said point being the section corner common to Sections 4, 5, 8 & 9, Township 8 South, Range 13 East, being the point of beginning, thence proceed North 89°45'00" West a distance of 300.00 feet to a point on the eastern right-of-way of Louisiana Highway 434; thence proceed North 31°00'12" East along said eastern right-of-way a distance of 1,456.57 feet to a point; thence leaving said right-of-way proceed South 58°59'48" East a distance of 2,081.33 feet to a point; thence proceed South 00°00'00" East a distance of 177.72 feet to a point; thence proceed South 90°00'00" West a distance of 2,234.25 to the point of beginning.

Said portion of ground contains 40.001 acres of land, more or less, all in accordance with Survey Drawing No. F-5480-2006 by BFM Corporation, LLC, dated December 4, 2006.

Being the same property acquired by St. Tammany Parish by Act recorded at Instrument No. 1596230 in the records maintained by the Clerk of Court for the Parish of St. Tammany.

