

ST. TAMMANY PARISH COUNCIL

RESOLUTION

RESOLUTION COUNCIL SERIES NO: C-3846

COUNCIL SPONSOR: MR. BINDER

PROVIDED BY: COUNCIL OFFICE

RESOLUTION TO ACKNOWLEDGE THE RESIGNATION OF THE PARISH CORONER, APPOINT AND SET THE SALARY OF AN INTERIM PARISH CORONER, AND CALL AN ELECTION FOR PARISH CORONER PURSUANT TO LOUISIANA R.S. 18:602 AND LOUISIANA HOUSE ACT NO. 181 (R.S. 13:5725), AND TO PROVIDE FOR ANY OTHER RELATED MATTERS IN CONNECTION THEREWITH.(BINDER)

WHEREAS, the St. Tammany Parish Council acknowledges the resignation of Peter R. Galvan, M.D. from his position as St. Tammany Parish Coroner (Exhibit A); and

WHEREAS, the Council also acknowledges Chief Deputy Coroner, Michael B. DeFatta, M.D., has declined the duties of the Office of Coroner (Exhibit B); and

WHEREAS, more than one (1) year remains in the unexpired term of the Parish Coroner, and pursuant to R.S. 18:602 (Exhibit C), the governing authority shall within 20 days (on or before November 7, 2013) call a special election and make an appointment to fill the unexpired term of Parish Coroner; and

WHEREAS, a vacancy now exists in the St. Tammany Parish Coroner's position, and pursuant to Louisiana House Act No. 181 (R.S. 13:5725) (Exhibit D), an annual salary shall be established by the governing authority to be paid to the coroner in lieu of all fees for his services as Parish Coroner.

THE PARISH OF ST. TAMMANY HEREBY RESOLVES that a vacancy exists in the Office of the St. Tammany Parish Coroner, and that an election be called to fill the unexpired term of Parish Coroner at the next scheduled primary election on April 5, 2014.

THE PARISH FURTHER RESOLVES that it sets the salary of the Interim Parish Coroner at a pro rated rate of \$ _____ and it appoints _____ to fill the position of Interim Parish Coroner.

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 7 DAY OF NOVEMBER , 2013, AT A REGULAR MEETING OF THE PARISH COUNCIL, A QUORUM OF THE MEMBERS BEING PRESENT AND VOTING.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

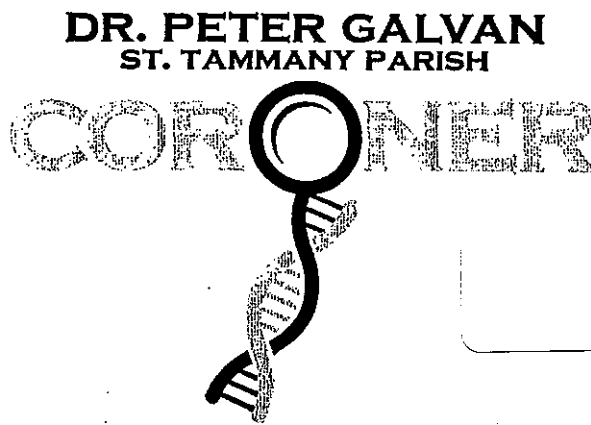


EXHIBIT A

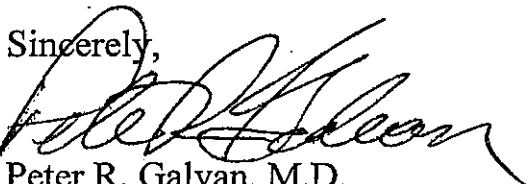
October 15, 2013

Tom Schedler
Secretary of State
P.O. Box 94125
Baton Rouge, LA 70804-9125

Dear Mr. Schedler:

Please accept this correspondence as my official resignation as St. Tammany Coroner effective October 18, 2013 at 5:30 PM.

Sincerely,



Peter R. Galvan, M.D.
St. Tammany Parish Coroner

PRG/rjc

RECEIVED
COMMISSIONS DEPT.

OCT 18 2013

SECRETARY OF STATE

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 18th DAY
OF October 2013


NOTARY PUBLIC
Notary # 46989 Bar # 11966

St. Tammany Parish Coroner's Office

October 15, 2013

EXHIBIT β

St. Tammany Parish President
Mrs. Patricia Brister
21490 Koop Dr.
Mandeville, LA 70471

Dear Mrs. Brister

It is my understanding that upon Dr. Peter Galvan's resignation, I am to assume the role of interim Coroner. After long deliberation and conferring with my family, I must respectfully decline to accept the post. Certainly I will continue my duties as Chief Deputy Coroner as I have done for 13 years.

It is also my understanding that in the event I decline to serve as interim Coroner; it is up to the Parish President and/or the Parish Council to appoint the position. If I may, I would like to recommend Dr. Leanne Truehart for the position of interim Coroner. As you know, Dr. Truehart is presently a Deputy Coroner and serves as our Mental Health Director. It is also her intention to run for the office of the Coroner during the upcoming special election.

Although, there is a debate as to whether an interim Coroner can run for the seat, State Statute LSA-R.S. 18:602 does not state she cannot run for the office.

Regardless of who is appointed as interim Coroner, I can assure the Parish Council and Parish President Brister that I and the employees of the St. Tammany Parish Coroner's Office will be supportive and helpful in the appointee's transition.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Michael B. DeFatta, M.D.

Michael B. DeFatta, MD
Chief Deputy Coroner
St. Tammany Parish Coroner's Office

RECEIVED
COMMISSIONS DEPT.

OCT 18/2013

SECRETARY OF STATE

MBD/rjc

cc: St. Tammany Parish Council

65278 Hwy. 434 * Lacombe, LA * 70445
(985) 781-1150 * Fax (985) 781-1148



TOM SCHEDLER
SECRETARY OF STATE

Secretary of State
State of Louisiana

P.O. Box 94125
BATON ROUGE, LA 70804-9125
www.sos.louisiana.gov

October 21, 2013

Ms. Theresa Ford, Council Clerk
St. Tammany Parish
P. O. Box 628
Covington, LA 70434

Dear Ms. Ford:

In accordance with R.S. 18:653, I am enclosing a copy of the resignation for Peter Randall Galvan, Coroner, Parish of St. Tammany.

The Chief Deputy Coroner Michael B. DeFatta has declined the duties of the office of Coroner.

Pursuant to R.S. 18:602, the governing authority shall within 20 days, (on or before November 7, 2013) call a special election and make an appointment to fill the unexpired term. The next scheduled election is April 5, 2014, primary and May 3, 2014, general with qualifying dates February 12, 13, 14, 2014. The proclamation issued by the governing authority is to be forwarded to our office.

After the appointment is made, please forward a certified copy of the minutes of the meeting and a commission will be issued to the person appointed to fill the vacancy.

If you have any questions concerning the above, please feel free to call me at (225) 922-0900.

With best wishes,

Angie Bouy
Angie Bouy, Administrator
Elections, Commissions, Publications

AB:sf
Enclosure

cc: Elections Section

ENROLLED

ACT No. 181

Regular Session, 2013

HOUSE BILL NO. 561

BY REPRESENTATIVES TIM BURNS, ADAMS, BADON, BERTHELOT, WESLEY BISHOP, BROADWATER, BROSSETT, BURFORD, CARTER, CROMER, GAROFALO, GISCLAIR, HENRY, HODGES, LEGER, LEOPOLD, LORUSSO, MACK, MILLER, MORENO, PEARSON, RITCHIE, SCHRODER, SIMON, ST. GERMAIN, TALBOT, THOMPSON, AND WILLMOTT AND SENATOR NEVERS

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

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. Tammany Parish, less and except amounts needed for operation for the remainder

1 of calendar year 2013, with the amount being determined by the St. Tammany Parish
2 Department of Finance. Any contracts or purchase agreements entered into by the
3 St. Tammany Parish coroner's office shall require approval or ratification by the
4 governing authority of St. Tammany Parish.

5 B. The revenues collected by the governing authority pursuant to Subsection
6 A of this Section shall be deposited into a special account and expended solely for
7 the purposes set forth in the ad valorem tax proposition approved by the voters on
8 November 2, 2004, less and except St. Tammany Parish's administrative fees, costs
9 associated with administration of the ad valorem tax levied, St Tammany Parish's
10 costs associated with oversight of the St. Tammany Parish coroner's office, and
11 amounts necessary to service bonds or other debt obligations secured by the ad
12 valorem tax. St. Tammany Parish shall be deemed to have fully and completely met
13 its obligations to fund the St. Tammany Parish coroner's office as set forth in R.S.
14 13:5706 and 5710. Notwithstanding any provisions of law to the contrary, St.
15 Tammany Parish shall not be obligated to pay any other fee or cost and all
16 obligations to the coroner are limited as provided for in this Subsection.

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

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

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

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

1 authority of St. Tammany Parish free and clear of all mortgages, liens, or other
2 encumbrances within six months of the effective date of this Section.

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

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

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____