

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO.: 3564

ORDINANCE COUNCIL SERIES NO. 07-

COUNCIL SPONSOR: BAGERT/DAVIS

PROVIDED BY: ADAMS & REESE LAW FIRM

INTRODUCED BY: MR. STEFANCIK

SECONDED BY: MR. CANULETTE

ON THE 3RD DAY OF MAY 2007

ORDINANCE LEVYING AN ADDITIONAL SALES TAX OF THREE-QUARTERS OF ONE CENT (0.0075%) IN THE COLONIAL PINNACLE NORD DU LAC ECONOMIC DEVELOPMENT DISTRICT, STATE OF LOUISIANA (THE "DISTRICT"); DESIGNATING THE FULL AMOUNT OF SUCH ADDITIONAL SALES TAX AS THE SALES TAX INCREMENTS IN THE DISTRICT FROM WHICH THE LOCAL AND STATE SALES TAX INCREMENTS WILL BE DETERMINED AND USED TO FINANCE ECONOMIC DEVELOPMENT PROJECTS IN THE DISTRICT ON A CASH BASIS IN ACCORDANCE WITH AND AS AUTHORIZED BY PART II, CHAPTER 27, TITLE 33 OF THE LOUISIANA REVISED STATUTES OF 1950, AS AMENDED; DESIGNATING THE INITIAL ANNUAL BASELINE COLLECTION RATE AND ESTABLISHING A MONTHLY BASELINE COLLECTION RATE FOR THE DISTRICT; PLEDGING AND DEDICATING SUCH TAX INCREMENTS TO REIMBURSE ECONOMIC DEVELOPMENT COSTS ON A CASH BASIS AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, by Ordinance Council Series No. 07-\_\_\_\_\_, the Parish of St. Tammany, State of Louisiana (the "Parish") created the Colonial Pinnacle Nord du Lac Economic Development District, State of Louisiana (the "District"), in accordance with Part II, Chapter 27, Title 33 of the Louisiana Revised Statutes of 1950, as amended (the "Act"); and

WHEREAS, the Act permits the local governmental subdivision or other authorized entity to create a special trust fund for the furtherance of economic development projects into which the incremental increases in sales taxes shall be deposited and loaned, granted, donated, or pledged in furtherance of economic development projects (each Project hereinafter approved being referred to herein as a "Project" or "Projects"); and

WHEREAS, in order to finance and fund certain Projects, the Parish Council, as the governing authority of the Parish, desires to create a special trust fund under the Act for the furtherance of economic development projects as defined in La. R.S. 33:9038.34(M), to levy an additional sales tax of three-quarters of one cent (0.0075%) in the District and to designate such increase in sales tax as the sales tax increment, together with a like amount of State sales tax, if approved by the State, which will be used to reimburse costs of economic development projects on a cash basis.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the Parish Council, acting as the governing authority of The Colonial Nord du Lac Economic Development District, State of Louisiana, that:

SECTION 1: All of the above "Whereas" clauses are adopted as part of this ordinance.

SECTION 2: In accordance with La. R.S. 33:9038.34, there is hereby created a special trust fund, under the Act, for the furtherance of economic development projects within the District.

SECTION 3: In accordance with La. R.S. 33:9038.39 there is hereby levied in the District an additional sales tax of three-quarters of one cent (0.0075%), upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property, upon the lease or rental of tangible personal property and on the sales of services in the District, as defined by law (the "District Tax"). The Uniform Local Sales Tax Code, as enacted by Act No. 73 of the 2003 Regular Session of the Louisiana Legislature and as it may be amended, shall apply in the assessment, collection, administration and enforcement of the District Tax, the provisions of which Uniform Local Sales Tax Code are hereby incorporated by reference.

The District Tax levied by this ordinance shall become effective upon the issuance and execution of a certificate by the St. Tammany Parish Registrar of Voters certifying the absence of any qualified electors in the District, in substantially the form attached hereto as Exhibit A.

For the purpose of compensating the dealer in accounting for and remitting the District Tax levied by this ordinance, each dealer shall be allowed one and one-tenth percent (1.10%) of the amount of District Tax due and accounted for and remitted to the Tax collector in the form of a deduction in submitting his report and paying the amount due by the dealer, provided the amount due was not delinquent at the time of payment, and provided the amount of any credit claimed for taxes already paid to a wholesaler shall not be deducted in computing the commission allowed the dealer hereunder.

This governing authority adopts none of the optional exclusions or exemptions allowed by state sales and use tax law, nor does this governing authority adopt any exclusions or exemptions authorized by legislation enacted under Article VI, Section 29(D)(1) of the Constitution of the State of Louisiana of 1974 that are not allowed as an exclusion or exemption from state sales and use tax. Included within the tax base of the District tax is every transaction, whether sales, use, lease or rental, consumption, storage or service, with no exclusions or exemptions except for those mandated upon political subdivisions by the Constitution or statutes of the State of Louisiana.

The District Tax is authorized to be collected by a "Collector" which term shall mean the Sales Tax Department of the St. Tammany Parish Sheriff's Office. The Collector is hereby authorized, empowered and directed to carry into effect the provisions of this ordinance, to appoint deputies, assistants or agents to assist it in the performance of its duties, and in pursuance thereof to make and enforce such rules as it may deem necessary.

With regard to the collection of the District Tax on any motor vehicle, automobile, truck, truck-trailer, trailer, semi-trailer, motor bus, home trailer, or any other vehicle subject to the vehicle registration license tax, this Governing Authority, acting through the Sheriff and on behalf of the District, for the collection of the District Tax on such vehicles, is authorized to enter into an agreement with the Vehicle Commissioner, Department of Public Safety and Corrections, as provided by R.S.47:303(B).

SECTION 4: The District Tax levied pursuant to Section 3, above, is a new sales tax and the full amount thereof is hereby designated by the Parish Council to be used in determining the local sales tax increment pursuant to the Act. The initial annual baseline collection rate for the District, which is the amount of the District Tax collected in the District in the most recent completed fiscal year prior to the establishment of the District, is hereby designated to be zero (0) (the "Initial Baseline Collection Rate"), as the District Tax was not levied during the most recently completed fiscal year of this governing authority prior to the establishment of the District. The monthly baseline collection rate, which is the initial annual baseline collection rate divided by twelve (12), is hereby designated to be zero (0) (the "Monthly Baseline Collection Rate").

SECTION 5: The Chief Financial Officer of the Parish is hereby authorized and requested to furnish his or her certification, in substantially the form attached hereto as Exhibit B, as to the accuracy of the Initial Annual Baseline Collection Rate and Monthly Baseline Collection Rate and to publish such certification in the St. Tammany Farmer, the official journal of the Parish, one time.

SECTION 6: The Parish Council hereby designates the entire amount of the District Tax as the local sales tax increment, which is to be deposited, together with a like amount of State sales tax, to the extent approved by the State, in the special trust fund created herein for the furtherance of economic development projects through reimbursement of costs of economic development projects, on a cash basis, and hereby pledges and dedicates to such purpose the local sales tax increment and a like amount of State sales tax increment, to the extent approved by the State.

SECTION 7: The Parish Council hereby ratifies the prior publication of a notice describing the levy of the District Tax and informing the citizens of the date of consideration of this ordinance, said notice having been published once a week for two weeks in the St. Tammany Farmer, the official journal of the Parish, in the form of notice attached hereto as Exhibit C.

SECTION 8: Notwithstanding anything to the contrary contained herein, sales tax increments within the District, if any, and shall be used only for Projects that meet the definition of "economic development project" as that term is defined in La. R.S. 33:9038.34(M).

SECTION 9: The Parish President and his staff are hereby authorized, empowered and directed to do any and all things necessary and incidental to carry out the provisions of this ordinance.

SECTION 10: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 11: If any provision of this ordinance shall be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this ordinance, but this ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein. Any constitutional or statutory provision enacted after the date of this ordinance which validates or makes legal any provision of this ordinance which would not otherwise be valid or legal, shall be deemed to apply to this ordinance.

SECTION 12: This Ordinance shall become effective immediately upon final 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 ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 2007; AND BECOMES ORDINANCE COUNCIL SERIES NO. 07-.

\_\_\_\_\_  
BARRY BAGERT, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
DIANE HUESCHEN, COUNCIL CLERK

\_\_\_\_\_  
KEVIN DAVIS, PARISH PRESIDENT

Published introduction April 26, 2007  
Published adoption \_\_\_\_\_, 2007

Delivered to Parish President \_\_\_\_\_, 2007 @ \_\_\_\_\_  
Returned to Council Clerk \_\_\_\_\_, 2007 @ \_\_\_\_\_

**EXHIBIT A**

STATE OF LOUISIANA

PARISH OF ST. TAMMANY

I, \_\_\_\_\_, the duly appointed St. Tammany Parish Registrar of Voters, do hereby certify to the Parish of St. Tammany, State of Louisiana that there are no qualified electors located in the economic development district known as the "Colonial Pinnacle Nord du Lac Economic Development District, State of Louisiana."

IN FAITH WHEREOF, witness my signature and official seal of the St. Tammany Parish Registrar of Voters, this \_\_\_ day of \_\_\_\_\_, 2007.

(SEAL)

\_\_\_\_\_  
Name:

**EXHIBIT B**

STATE OF LOUISIANA

PARISH OF ST. TAMMANY

I, \_\_\_\_\_, the Chief Financial Officer of the Parish of St. Tammany, State of Louisiana, do hereby certify that the initial annual baseline collection for the additional sales tax of three-quarters of one cent (0.0075%) levied in the economic development district known as the "Colonial Pinnacle Nord du Lac Economic Development District, State of Louisiana" (the "District"), which is the amount of such designated sales taxes collected in the District during the fiscal year of the Parish of St. Tammany, State of Louisiana most recently completed prior to the establishment of the District, is zero (0), as such additional sales tax was not levied during the previous fiscal year. The monthly baseline collection rate, which is the annual baseline rate divided by twelve (12), is also zero (0).

IN FAITH WHEREOF, witness my signature and official seal of the Parish of St. Tammany, State of Louisiana, this \_\_\_ day of \_\_\_\_\_, 2007.

(Seal)

\_\_\_\_\_  
Name:

**EXHIBIT C****PARISH OF ST. TAMMANY, STATE OF LOUISIANA  
OFFICIAL NOTICE**

NOTICE IS HEREBY GIVEN that the St. Tammany Parish Council proposes to consider the creation of an economic development district to be called "Colonial Pinnacle Nord du Lac Economic Development District, State of Louisiana" (the "District"). The public is further notified that pursuant to an ordinance adopted by the St. Tammany Parish Council that the Parish of St. Tammany, State of Louisiana proposes to consider the levy of an additional sales tax of three-quarters of one cent (0.0075%) in the District, which will be deposited in a special trust fund to be used for the furtherance of economic development projects within the District, together with a like amount of State sales tax increment, if approved by the State, to reimburse costs of economic development projects in the District on a cash basis pursuant to the authority of Part II, Chapter 27, Title 33 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 33:9038.31 through 9038.42, inclusive).

The boundaries of the District are:

A CERTAIN PIECE OR PORTION OF LAND SITUATED IN SECTION 47, TOWNSHIP 7 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, LOUISIANA BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE CORNER COMMON TO SECTIONS 12, 13 & 46 TOWNSHIP 7 SOUTH, RANGE 10 EAST, ST. TAMMANY PARISH, LOUISIANA RUN NORTH 00 DEGREES 40 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 1423.63 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 23 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 1109.12 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 14 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 95.62 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 17 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 700.84' TO A POINT ON THE NORTH RIGHT-OF-WAY OF INTERSTATE 12 AND THE EAST RIGHT-OF-WAY OF LOUISIANA STATE HIGHWAY 21; THENCE LEAVING SAID NORTH RIGHT-OF-WAY AND RUNNING ALONG SAID EAST RIGHT-OF-WAY NORTH 28 DEGREES 42 MINUTES 20 SECONDS EAST FOR A DISTANCE OF 228.29 FEET TO A POINT; THENCE RUN NORTH 33 DEGREES 51 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 127.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF PINNACLE PARKWAY ALSO BEING THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING AND LEAVING SAID NORTH RIGHT-OF-WAY OF PINNACLE PARKWAY AND RUNNING ALONG SAID SOUTH RIGHT-OF-WAY OF LOUISIANA STATE HIGHWAY 21 NORTH 33 DEGREES 51 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 131.04 FEET TO A POINT; THENCE RUN NORTH 12 DEGREES 58 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 31.42 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY RUN SOUTH 55 DEGREES 34 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 200.00 FEET TO A POINT; THENCE RUN NORTH 33 DEGREES 50 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 200.16 FEET TO A POINT; THENCE RUN SOUTH 56 DEGREES 03 MINUTES 45 SECONDS EAST FOR A DISTANCE OF 133.27 FEET TO A POINT; THENCE RUN SOUTH 34 DEGREES 02 MINUTES 02 SECONDS WEST FOR A DISTANCE OF 393.82 FEET TO A POINT; THENCE RUN SOUTH 29 DEGREES 34 MINUTES 34 SECONDS EAST FOR A DISTANCE OF 68.51 FEET TO A POINT ON A CURVE TO THE LEFT (COUNTERCLOCKWISE & TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 350.00 FEET AND AN ARC LENGTH OF 37.83 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 15 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 2228.41 FEET TO A POINT; THENCE RUN SOUTH 21 DEGREES 01 MINUTES 24 SECONDS WEST FOR A DISTANCE OF 288.34 FEET TO A POINT; THENCE RUN SOUTH 24 DEGREES 03 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 129.53 FEET TO A POINT; THENCE RUN SOUTH 68 DEGREES 58 MINUTES 39 SECONDS EAST FOR A DISTANCE OF 2372.21 FEET TO A POINT; THENCE RUN SOUTH 21 DEGREES 01 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 675.48 FEET TO A POINT; THENCE RUN NORTH 68 DEGREES 58 MINUTES 39 SECONDS WEST FOR A