

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: _____

SECONDED BY: _____

ON THE ____ DAY OF _____ 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 WITH THE FOREGOING.

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.

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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:

TRACT A CONTAINING 2.251 ACRES

A CERTAIN PIECE OR PORTION OF LAND CONTAINING 2.251 ACRES SITUATED IN SECTION 47, TOWNSHIP 7 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, LOUISIANA AND 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 HIGHWAY 21 ALSO BEING THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING RUN ALONG SAID EAST RIGHT-OF-WAY THE FOLLOWING: NORTH 28 DEGREES 41 MINUTES 49 SECONDS EAST FOR A DISTANCE OF 228.29 FEET TO A POINT; NORTH 33 DEGREES 51 MINUTES 10 SECONDS EAST FOR A DISTANCE OF 37.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF NOR du LAC BOULEVARD; THENCE LEAVING SAID RIGHT-OF-WAY OF LOUISIANA HIGHWAY 21 AND RUNNING ALONG SAID RIGHT-OF-WAY OF NOR du LAC BOULEVARD THE FOLLOWING: SOUTH 56 DEGREES 08 MINUTES 49 SECONDS EAST FOR A DISTANCE OF 135.18 FEET TO A POINT ON A CURVE TO RIGHT(CLOCKWISE & TANGENT); ALONG SAID CURVE WITH A RADIUS OF 280.00 FEET A CHORD BEARING OF SOUTH 42 DEGREES 51 MINUTES 57 SECONDS EAST AND AN ARC LENGTH OF 129.81 FEET TO A POINT; SOUTH 29 DEGREES 35 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 77.97 FEET TO A POINT ON A CURVE TO THE LEFT(COUNTER-CLOCKWISE & TANGENT); ALONG SAID CURVE WITH A RADIUS OF 440.00 FEET A CHORD BEARING OF SOUTH 35 DEGREES 21 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 88.65 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY RUN SOUTH 51 DEGREES 51 MINUTES 26 SECONDS WEST FOR A DISTANCE OF 221.52 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF INTERSTATE 12; THENCE RUN ALONG SAID NORTH RIGHT-OF-WAY NORTH 48 DEGREES 44 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 326.61 FEET BACK TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2.251 ACRES OR 98,073.50 SQ. FT. MORE OR LESS.