

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3670 ORDINANCE COUNCIL SERIES NO: 07-

COUNCIL SPONSOR: BAGERT/DAVIS PROVIDED BY: ADAMS & REESE LAW FIRM

INTRODUCED BY: MR. STEFANCIK SECONDED BY: MR. BURKHALTER

ON THE 4TH DAY OF OCTOBER 2007

AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 07-1590; LEVYING AN ADDITIONAL SALES TAX IN THE ROOMS TO GO ST. TAMMANY ECONOMIC DEVELOPMENT DISTRICT AT A REDUCED RATE OF THREE-QUARTERS OF ONE PERCENT (0.75%); CLARIFYING CERTAIN MATTERS RELATING TO THE SALES TAX; AND PROVIDING FOR OTHER MATTERS IN CONNECTION WITH THE FOREGOING.

WHEREAS, Part II, Chapter 27, Title 33 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 33:9038.31, *et seq.*) (the "Act") authorizes municipalities, parishes and certain other local governmental subdivisions to create economic development districts to carry out the purposes of the Act, which economic development districts are political subdivisions of the State of Louisiana and possess such power and authority and have such duties as provided by the Act and other law; and

WHEREAS, by Ordinance No. 07-1589 adopted on June 7, 2007, this Parish Council created the "Rooms To Go St. Tammany Economic Development District, State of Louisiana" (the "District"), in accordance with the Act; and

WHEREAS, La. R.S. 33:9038.39 permits the District to levy a sales tax for authorized purposes; 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, in said ordinance creating the District did further 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); and

WHEREAS, by Ordinance No. 07-1590 adopted by this Parish Council, acting as the governing authority of the District, on June 7, 2007, the District levied an additional sales tax of one percent (1.00%) on each dollar of sales in the District (and which sales tax was incorrectly stated in such Ordinance); designated 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, pledged and used to reimburse the costs of projects limited to water, road and drainage infrastructure in the District (hereinafter, for purposes hereof, the "Project") on a cash basis; and designated the initial annual baseline collection rate for the district; and

WHEREAS, the District now desires to reduce the rate of the additional sales tax levied in the District to three-quarters of one percent (0.75%) on each dollar of retail sales in the District, and to clarify certain matters relating to the sales tax.

THE ST. TAMMANY PARISH COUNCIL HEREBY ORDAINS, in its capacity as the governing authority of the Rooms To Go St. Tammany Economic Development District, that:

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

SECTION 2. Levy of Sales Tax. In accordance with La. R.S. 33:9038.39 there is hereby levied in the District, effective January 1, 2008, an additional sales tax at the point of sale of three-quarters of one percent (0.75%) 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 proceeds of the District Tax shall be used to pay the cost of economic development projects in the District, as defined in the Act, particularly in La. R.S. 33:9038.34(M) and La. R.S. 33:9038.36.

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.

SECTION 3. Vendor's Compensation. 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.

SECTION 4. Exclusions or Exemptions. This governing authority adopts none of the optional exclusions or exemptions allowed by state sales 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 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.

SECTION 5. Tax Collector. 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 Collector, on behalf of the District, 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).

All taxes, revenues, funds, assessments, moneys, penalties, fees or other income which may be collected or come into the possession of the Collector under any provision or provisions of this ordinance relating to the District Tax shall be promptly deposited by the Collector for the account of the District in the Trust Fund, provided, however, any amount which is paid under protest or which is subject to litigation may be transferred to a separate account established by the Collector with said fiscal agent pending the final determination of the protest or litigation.

SECTION 6. Penalty, Interest and Attorneys Fees. If the amount of District Tax due by the dealer is not paid on time, penalties, interest and attorneys fees shall be imposed as provided by law.

SECTION 7. No Qualified Electors. The St. Tammany Parish Registrar of Voters has issued and executed a certificate, attached hereto as Exhibit A, certifying the absence of any qualified electors in the District, therefore, pursuant to La. R.S. 33:9038.39, no election shall be required to authorize the levy of the District Tax.

SECTION 8. Designation of Baseline Collection Rate. The District Tax levied pursuant to Section 2, 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 (\$0.00) (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 (\$0.00) (the "Monthly Baseline Collection Rate").

SECTION 9. CFO Certification. The Chief Financial Officer of the Parish has issued and executed a certificate, attached hereto as Exhibit B, certifying as to the accuracy of the Initial Annual Baseline Collection Rate and Monthly Baseline Collection Rate, which was previously published one time in the *St. Tammany Farmer*, the official journal of the Parish.

SECTION 10. Designation of Sales Tax Increment. The Parish Council hereby designates the entire amount of the District Tax as the local sales tax increment, which is to be deposited in the special trust fund created herein for the furtherance of economic development projects 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 11. Notice to Public. The Parish Council hereby acknowledges and affirms the publication of a notice describing the levy of the District Tax and informing the citizens of the date of consideration of Ordinance No. 07-1590, said notice having been published once a week for two weeks in the St. Tammany Farmer, the official journal of the Parish.

SECTION 12. Use of Sales Tax Increments. Notwithstanding anything to the contrary contained herein, sales tax increments within the District, if any, 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 13. Authorization of Officers. 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 14. Repealer. All ordinances or parts thereof in conflict herewith are hereby repealed.

SECTION 15. Severability. 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 16. Effective Date. This Ordinance shall become effective, as provided by law.

SECTION 17. Audit. Any audit of the trust fund may be conducted by the Department of Finance of the Parish pursuant to an appropriate intergovernmental agreement.

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: SEPTEMBER 27, 2007
Published adoption: _____, 2007
Delivered to Parish President: _____, 2007 @ _____
Returned to Council Clerk: _____, 2007 @ _____

STATE OF LOUISIANA

PARISH OF ST. TAMMANY

I, Leslie Long, 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 percent (0.75%) levied in the economic development district known as the "Rooms To Go St. Tammany 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 (\$0.00), 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 (\$0.00).

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

(Seal)

Name: Leslie Long

STATE OF LOUISIANA

PARISH OF ST. TAMMANY

I, the undersigned Clerk of the St. Tammany Parish Council do hereby certify that the foregoing _____ () pages constitute a true and correct copy of the proceedings taken by said Council on _____, 2007, amending and restating Ordinance No. 07-1590; levying an additional sale and use tax levied in the Rooms to Go St. Tammany Economic Development District, State of Louisiana (the "District") at a reduced rate of three-quarters of one percent (0.75%); clarifying certain matters relating to the sales tax; and providing for other matters in connection with the foregoing.

IN FAITH WHEREOF, witness my official signature and the impress of the official seal of said Parish Council on this, the ____ day of _____, 2007.

Council Clerk

(SEAL)