

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3882

ORDINANCE COUNCIL SERIES NO.     

COUNCIL SPONSOR: BINDER/DAVIS

PROVIDED BY: PRESIDENT/LEGAL

INTRODUCED BY: MR. THOMPSON

SECONDED BY: MR. GOULD

ON THE 3<sup>RD</sup> DAY OF JULY, 2008

ORDINANCE AUTHORIZING THE PARISH OF ST. TAMMANY, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO EXECUTE COOPERATIVE ENDEAVOR AGREEMENT BY AND BETWEEN THE PARISH OF ST. TAMMANY AND THE TOWN OF ABITA SPRINGS

WHEREAS, St. Tammany Parish is one of the most rapidly growing areas in the State of Louisiana; and

WHEREAS, economic growth must be closely coordinated with various different parties both public and private to synchronize growth and the quality of life issues necessary for such growth; and

WHEREAS, the Town of Abita Springs and the Parish entered into a Growth Management and Revenue Sharing Agreement and a Growth Management and Revenue Sharing Agreement Supplemental and Amending the Sales Tax Enhancement Plan; and

WHEREAS, the Town of Abita Springs and the Parish agreed to engage in Joint Projects and other Cooperative Endeavors such as improvements to drainage projects, roadway construction, sewer and water facilities, environmental protection, conservation easements, recreational facilities and other similar projects; and

WHEREAS, the Town of Abita Springs seeks to implement certain sewerage improvements along that portion of Highway 59 located within Sales Tax District No. 3; and

WHEREAS, the more particularly, the sewerage improvements to be constructed consists of the Town of Abita Springs extending its sewer lines along Highway 59 up to the Parish's sewer lines allowing the Parish to tie into the Town of Abita Springs' system and provide a direct benefit to the unincorporated area of the Parish; and

WHEREAS, it is the desire of the St. Tammany Parish Government to enter into a Cooperative Endeavor Agreement by and between the Parish and the Town of Abita Springs regarding the construction of the above described improvements.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, that the Parish of St. Tammany, through the Office of the Parish President, be authorized to enter into Cooperative Endeavor Agreement with the Town of Abita Springs and to take any and all necessary actions to enter into the Cooperative Endeavor Agreement for activities in support of economic growth and other public purposes.

That any actions previously taken by the Office of the Parish President to enter into the Cooperative Endeavor Agreement 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 any other provision 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 immediately upon final adoption.

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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 HELD ON THE \_\_\_\_ DAY OF \_\_\_\_, 2008, AND BECOMES ORDINANCE COUNCIL SERIES NO. \_\_\_\_\_.

\_\_\_\_\_  
JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
THERESA L. FORD, COUNCIL CLERK

\_\_\_\_\_  
KEVIN C. DAVIS, PARISH PRESIDENT

Published Introduction JUNE 26, 2008

Published Adopted \_\_\_\_\_, 2008

Delivered to Parish President on \_\_\_\_\_, 2008 @ \_\_\_\_\_

Returned to Council Clerk on \_\_\_\_\_, 2008 @ \_\_\_\_\_

3882

**INTER OFFICE**

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



*Kevin Davis*  
*Parish President*

**MEMORANDUM**

**ST. TAMMANY PARISH GOVERNMENT  
LEGAL DEPARTMENT**

**Date:** June 27, 2008  
**To:** To All Departments  
**From:** Kelly M. Rabalais *Kelly*  
Legal Counsel  
**Re:** Town of Abita Springs

I have attached a copy of the Cooperative Endeavor Agreement with the Town of Abita Springs.

md

Attachment

- c: Mr. Bill Oiler, CAO
- Ms. Kim Salter, ACAO
- Mr. Mike Sevante, Council
- Mrs. Theresa Ford, Council Clerk
- Ms. Elizabeth Smythe, Engineering
- Mrs. Leslie Long, Finance
- Mr. Rusty Waldrup, M.I.S.
- Mr. Shannon Davis, Public Works
- Mrs. Darnell Ellingsworth, Risk Management

**WHEREAS**, the Parish will be able to expand its Right of Way along Harrison avenue which will allow the parish to implement its mass transit scheme; and

**WHEREAS**, the Town is without the financial ability to construct all of the improvements and is in need of the assistance of the Parish; and

**WHEREAS**, St. Tammany Parish has agreed to allow the Town to use funds collected as sewerage impact fees for the Project as it will assist the Parish in its development of a regional sewerage system in addition to the benefits stated above; and

**NOW, THEREFORE**, in consideration of the mutual benefits and covenants contained in this Agreement, the Parties agree and bind their respective Offices as follows:

#### **ARTICLE I. OBLIGATIONS OF THE PARTIES**

1. The Parish will make available its sewerage impact fees in the amount of One Hundred Twenty Thousand Five Hundred Ninety and no/ 100 Dollars (\$120,590.00) towards the cost of construction for the Project;
2. The Project shall be constructed in accordance with all applicable Parish and Town ordinances and regulations; and
3. The Town will construct th improvements according to all Public Bid Laws.

#### **ARTICLE II. GOVERNING LAW**

This Agreement shall be governed by and construed in accordance with the laws of the State of Louisiana and the laws and ordinances of the Parish and the Town, including but not limited to the Public Bid Laws.

#### **ARTICLE III. NOTICES**

Any notice or payment required or permitted hereunder shall be in writing and sent by certified mail, overnight express, or personally delivered, addressed to the party to receive the notice as set out below. Each party shall be responsible to notify the other of any change in address or official:

Parish of St. Tammany  
c/o Kevin C. Davis, Parish President  
P.O. Box 628  
Covington, Louisiana 70434

Town of Abita Springs  
c/o Louis Fitzmorris, Mayor  
22161 Level Street  
Abita Springs, LA 70420

**ARTICLE IV. REMEDIES FOR DEFAULT**

Any claim or controversy arising out of this Agreement shall be resolved as per law. Venue and jurisdiction shall be the 22<sup>nd</sup> Judicial District Court for the Parish of St. Tammany.

**ARTICLE V. ASSIGNMENT AND AMENDMENT**

No party herein shall assign any interest in this Agreement (whether by assignment or novation). This Agreement may be amended only by mutual written consent of the respective parties.

**ARTICLE VI. SEVERABILITY**

If any provision of this Agreement or the application thereof to any person or circumstance shall be invalid or unenforceable to any extent, the remainder of this Agreement and the application of such provision to the other person or circumstances shall not be affected thereby, and shall be enforced to the greatest extent permitted by law.

**ARTICLE VII. APPEARANCES**



The representative herein below warrants that he has the requisite authority and permission to enter, sign and bind his Office.


THUS DONE AND SIGNED at Mandeville, Louisiana on the day, month and year written herein.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of this 25<sup>th</sup> day of

June, 2008.

WITNESSES:

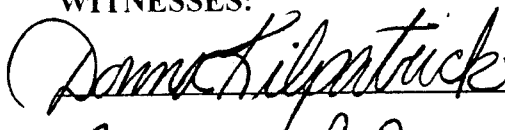
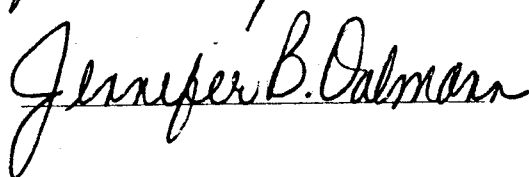
  
\_\_\_\_\_  
Erika Toforico  
  
\_\_\_\_\_  
Jen Cruz


  
\_\_\_\_\_  
Kevin C. Davis, Parish President

IN WITNESS WHEREOF, the Parties have executed this Agreement as of this 24<sup>th</sup> day of

June, 2008.

WITNESSES:

  
\_\_\_\_\_  
Donna Kilpatrick  
  
\_\_\_\_\_  
Jennifer B. Palmer

  
\_\_\_\_\_  
Louis Fitzmorris, Mayor