

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3979 ORDINANCE COUNCIL SERIES NO.
COUNCIL SPONSOR: BINDER/DAVIS PROVIDED BY: President/ Legal
INTRODUCED BY: MR. STEFANCIK SECONDED BY: MR. BURKHALTER
ON THE 4TH DAY OF DECEMBER, 2008

AN ORDINANCE AUTHORIZING THE PARISH PRESIDENT TO EXECUTE AN AGREEMENT WITH THE ST. TAMMANY ASSOCIATION FOR RETARDED CITIZENS, INC. REGARDING THE ADMINISTRATION OF FUNDS.

WHEREAS, St. Tammany Parish was authorized by a vote of the citizens of the said Parish, by an election held on October 4, 2008, to implement a ten (10) year, 2 mills tax, 50% of which is to be dedicated and allocated for acquiring, constructing, improving, maintaining and operating authorized activities, services, programs and/or facilities for individuals with mental retardation and/or disabled persons in the Parish; and

WHEREAS, the foremost and primary organization within the Parish of St. Tammany undertaking, with a successful and long history, to perform the functions and to provide the services contemplated by the aforesaid authorizations, for the benefit of individuals with mental retardation and/or disabilities within the said Parish, is the St. Tammany Association for Retarded Citizens, Inc. (STARC); and

WHEREAS, the Parish desires that STARC undertake to administer and operate the programs and facilities provided for by the tax measure, as a part of the normal and on-going programs and facilities operated by STARC; and

WHEREAS, the terms and conditions of an agreement with STARC have been finalized and the Parish desires that the agreement be implemented.

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 an Administration Agreement with STARC and to take any and all necessary actions to enter into the Administration Agreement for the performance of the obligations described therein.

That any actions previously taken by the Office of the Parish President to enter into the Administration Agreement are ratified and accepted accordingly; and

REPEAL: All ordinances or parts of ordinances in conflict herewith are hereby repealed.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 as per law.

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MOVED OR 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 FORD, COUNCIL CLERK

KEVIN C. DAVIS, PARISH PRESIDENT

Published Introduction _____, 2008

Published Adopted _____, 2008

Delivered to Parish President on _____, 2008 @ _____

Returned to Council Clerk on _____, 2008 @ _____

ADMINISTRATION AGREEMENT

BY AND BETWEEN:

ST. TAMMANY PARISH GOVERNMENT

AND

ST. TAMMANY ASSOCIATION FOR RETARDED CITIZENS, INC.

WHEREAS, St. Tammany Parish, State of Louisiana, hereinafter referred to as the "Parish", represented herein by Kevin C. Davis, its President; was authorized by a vote of the citizens of the said Parish, by an election held on October 4, 2008, to implement a ten (10) year, 2 mills tax, 50% of which is to be dedicated and allocated for acquiring, constructing, improving, maintaining and operating authorized activities, services, programs and/or facilities for individuals with mental retardation and/or disabled persons in the Parish; and

WHEREAS, the foremost and primary organization within the Parish of St. Tammany, State of Louisiana, undertaking, with a successful and long history, to perform the functions and to provide the services contemplated by the aforesaid authorizations, for the benefit of individuals with mental retardation and/or developmental disabilities within the said Parish, is the St. Tammany Association for Retarded Citizens, Inc., hereinafter referred to as "STARC"; represented herein by Dianne Baham, its Executive Director; and

WHEREAS, both parties desire that STARC undertake to administer and operate the programs and facilities provided for by the tax measure, as a part of the normal and on-going programs and facilities operated by STARC.

WITNESSETH

NOW, THEREFORE, in consideration of these premises, the covenants hereinafter contained and other good and valuable considerations,

IT IS AGREED as follows, to-wit:

I. ADMINISTRATION AND OPERATION

STARC shall be and is hereby appointed and authorized by the Parish as the exclusive agent and agency for the administration and operation of all programs and facilities, and for the provision of all activities and services, to be acquired, constructed, improved, maintained and operated for the benefit of individuals with mental retardation and/or disabled persons in the Parish of St. Tammany, State of Louisiana, to be funded by the tax measure approved and authorized by the people of the said Parish and state in the election held on October 4, 2008.

It is acknowledged that STARC currently operates and administers its own programs, as its sole purpose, for the benefit of individuals with mental retardation and/or disabilities. It is contemplated by the parties that the programs and facilities to be provided for by the funds generated by the tax proceeds will be used by STARC in conjunction with and as an integral part of STARC's on-going programs. STARC will have the discretion to incorporate the tax-generated funds into its on-going programs, with the addition of new programs and facilities to be implemented within the overall strategies of expansion in the normal course of operations by STARC.

II. TRANSMITTAL OF FUNDS

All funds and monies, net of any required administrative costs and expenses incurred by the Parish in the collection, accounting, depositing, safeguarding and transmittal thereof, shall be delivered and transmitted to the account or accounts, established and designated by STARC, for the receipt thereof and solely for the purposes set forth herein. Such transmittal shall be accomplished within the soonest possible time, in view of necessary administrative procedures, after the receipt thereof by the Parish, its agents and/or administrative offices.

III. USE OF FUNDS

All funds so raised by means of said tax measure and transmitted to STARC shall be used exclusively by STARC and for the purpose of serving individuals with mental retardation and/or developmental disabilities in the Parish of St. Tammany, for which the citizens of the Parish of St. Tammany, State of Louisiana, approved the tax, as stated in the proposition voted upon.

IV. ACCOUNTING

1. STARC shall establish a separate bank account into which all funds and monies raised by means of the tax measure, as well as all investment income earned on said monies, shall be deposited.
2. STARC shall account for all funds and monies raised by means of said tax measure in a separate fund and shall render an accounting to the Parish of the use of the tax funds on a quarterly basis.
3. STARC shall have the fund audited by an independent audit acceptable to the parish and shall provide a copy of said audit report within six (6) months of the end of the fiscal year.

V. DURATION

This agreement shall continue in force and effect for the entire ten (10) year period for which the subject tax measure is in force.

VI. CANCELLATION

The Parish shall be entitled to cancel this agreement only for cause. "Cause", for purposes of this agreement, shall be defined as the occurrence of any of the following conditions:

1. cessation by STARC of its normal operations and programs for the benefit of individuals with mental retardation and/or developmental disabilities in the Parish of St. Tammany;
2. filing of bankruptcy or receivership proceedings by STARC or by its creditors against STARC involuntarily;
3. failure by STARC to transmit to the Parish the accounting information regarding the tax funds, as provided for hereinabove;
4. factual determination that the subject tax funds are not in good faith being applied by STARC in accordance with the terms hereof and with the purposes set forth in the above referred to tax proposition and the Ordinance of the Parish;
5. factual determination of criminal misuse or conversion of the subject tax funds by STARC or any of its agents or employees.

VII. FIDUCIARY DUTIES OF ADMINISTRATION

STARC shall have the following fiduciary responsibilities regarding the administration of the tax funds, to-wit:

- A. to exercise reasonable care and skill;
- B. to make the most profitable use of the funds in the use and investment thereof;
- C. to guard against waste and mismanagement; and
- D. to make every effort to make the most efficient and effective use of the funds on behalf of the intended beneficiaries thereof.

E. to invest and secure the tax funds in accordance with the investment policy of the Parish.

WITNESS the signatures of the representatives of the parties on this _____ day of _____, 2008.

KEVIN C. DAVIS, PARISH PRESIDENT
ST. TAMMANY PARISH GOVERNMENT

DIANNE BAHAM, EXECUTIVE DIRECTOR
ST. TAMMANY ASSOCIATION FOR RETARDED
CITIZENS, INC.