

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4161

ORDINANCE C.S. NO. _____

COUNCIL SPONSOR: MS. CRAWFORD-HOWELL

PROVIDED BY: LEGAL COUNSEL

INTRODUCED BY: _____

SECONDED BY: _____

ON THE _____ DAY OF _____, 2009

ORDINANCE TO CONSOLIDATE AND MERGE ST. TAMMANY PARISH FIRE PROTECTION DISTRICT NO. 9 AND ST. TAMMANY PARISH FIRE PROTECTION DISTRICT NO. 10, AND TO REESTABLISH ST. TAMMANY PARISH FIRE PROTECTION DISTRICT NO. 9 AFTER ENLARGING AND FIXING THE BOUNDARIES OF ST. TAMMANY PARISH FIRE PROTECTION DISTRICT NO. 9 TO INCLUDE THEREIN AND THEREWITH ALL OF THE TERRITORY SITUATED WITHIN THE EXISTING BOUNDARIES OF ST. TAMMANY PARISH FIRE PROTECTION DISTRICT NO. 10, WHICH INCLUDES THE VILLAGE OF SUN. (WARD 5, DISTRICT 2 and 6)

WHEREAS, on August 24, 2009, the Board of Commissioners of St. Tammany Parish Fire Protection District No. 10 adopted the attached Resolution (Exhibit A), urging the St. Tammany Parish Governing Authority to redistrict St. Tammany Parish Fire Protection District No. 9 by enlarging and fixing the boundaries thereof to include therein and therewith all of the territory situated within the existing boundaries of St. Tammany Parish Fire Protection District No. 10, which includes the Village of Sun; and

WHEREAS, on August 25, 2009, the Board of Commissioners of St. Tammany Parish Fire Protection District No. 9 adopted the attached Resolution (Exhibit B), urging the St. Tammany Parish Governing Authority to redistrict St. Tammany Parish Fire Protection District No. 9 by enlarging and fixing the boundaries thereof to include therein and therewith all of the territory situated within the existing boundaries of St. Tammany Parish Fire Protection District No. 10, which includes the Village of Sun; and

WHEREAS, redistricting St. Tammany Parish Fire Protection District No. 9, by enlarging and fixing the boundaries thereof to include therein and therewith all of the territory situated within the existing boundaries of St. Tammany Parish Fire Protection District No. 10, will allow the consolidated St. Tammany Parish Fire Protection District, which is to be reconstituted and reestablished hereby as St. Tammany Parish Fire Protection District No. 9, to utilize the resources of the separate districts to provide the highest possible level of fire protection services to residents of the consolidated district; and

WHEREAS, pursuant to the Resolution of the Board of Commissioners of St. Tammany Parish Fire Protection District No. 10 (Exhibit A), the Board of Commissioners certified that there are no outstanding indebtedness or any other debts; and

WHEREAS, there are no outstanding bonds or certificates of indebtedness of St. Tammany Parish Fire Protection District No. 10; and

WHEREAS, the duration of the term and the amount of property taxes authorized by the voters in the respective districts will not change as a result of the redistricting to consolidate the two districts; and

WHEREAS, in accordance with R.S. 40:1493(B), on September 3, 2009, the St. Tammany Parish Council adopted Resolution C.S. No. C-2699, providing Notice of Intent to redistrict St. Tammany Parish Fire Protection District No. 9 by enlarging and fixing the boundaries thereof to include therein and therewith all of the territory situated within the existing boundaries of St. Tammany Parish Fire Protection District No. 10, which includes the Village of Sun; and

WHEREAS, in accordance with R.S. 40:1493(C), the aforesaid Resolution C.S. No. C-2699 providing Notice of Intent was duly published once a week for two successive weeks in the Times Picayune, a newspaper having general circulation in St. Tammany Parish, the first publication being on September 10, 2009, not less than fifteen days before the date fixed for the hearing of all objections, scheduled by Resolution C.S. No. C-2699 to be heard on October 1, 2009 in the Council Chamber, and published the second time on September 12, 2009. Said publication being evidenced by the attached affidavit of publication of legal notice executed on September 11, 2009; and

WHEREAS, in accordance with R.S. 40:1494, on October 1, 2009, the St. Tammany Parish Council held its public hearing on all objections which may be interposed to the boundaries of the districts and to the inclusion of the property proposed to be included in the boundaries of St. Tammany Parish Fire Protection District No. 9. Following the public hearing, the St. Tammany Parish Council adopted Resolution C.S. No. C-2720 fixing the boundaries of the territory to be included in Fire Protection District No. 9 by enlarging and fixing the boundaries thereof to include therein and therewith all of the territory situated within the existing boundaries of St. Tammany Parish Fire Protection District No. 10, including the Village of Sun, which boundaries are more particularly set forth as follows:

The boundaries of St. Tammany Parish Fire Protection District No. 9 shall coincide with the boundaries of Ward 5 as it exist on the adoption date of this Resolution. See Map, Exhibit D

WHEREAS, in accordance with the provisions of R.S. 40:1492 and R.S. 40:1494, on the _____ day of _____, 2009, after the boundaries of the territory to be included in the district were fixed by the aforesaid Resolution of the St. Tammany Parish Council, the Board of Alderman of the Village of Sun adopted Resolution _____, concurring in the fixing of the boundaries of St. Tammany Parish Fire Protection District No. 9 to include therein and therewith all of the territory situated within the existing boundaries of St. Tammany Parish Fire Protection District No. 10, which includes the Village of Sun; and

WHEREAS, it is in the best interest of the public health, safety and welfare to consolidate St. Tammany Parish Fire Protection District No. 9 and St. Tammany Parish District No. 10 in order to provide the residents of both districts with the highest possible level of fire protection services; and

WHEREAS, the action of the Governing Authority of St. Tammany Parish in fixing the boundaries of St. Tammany Parish Fire Protection District No. 9 now being final.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS in regular session convened that:

SECTION I: This ordinance shall finalize the redistricting, merger and consolidation of St. Tammany Parish Fire Protection Districts No. 9 and St. Tammany Parish Fire Protection District No. 10. The redistricting, merger and consolidation shall become effective upon the installation of the Board of Commissioners of St. Tammany Parish Fire Protection District No. 9 as reconstituted and reestablished herein and hereby.

SECTION II. Sections 8-044.00 and 8-044.01 of the St. Tammany Parish Code of Ordinances are hereby amended and reenacted to provide as follows:

SEC. 8-044.00 Fire Protection District No. 9

~~There is hereby created a Fire Protection District to be known as "St. Tammany Parish Fire Protection District No. 9" is hereby reconstituted and reestablished and the whose~~ boundaries shall be as follows:

~~Northern boundary line to be Bogue Chitto River down to Dobsons Slue, to Mississippi State Line and existing boundaries East, West and South of Precinct 1, Ward 5, as used to voting as of November 18, 1976. (Ord. No. 675, Bk. 8, P. 201)~~

The boundaries of St. Tammany Parish Fire Protection District No. 9 shall coincide with the boundaries of Ward 5 as it exist on the adoption date of Resolution C.S. No. C-2720. (See Map Attached to Resolution as Exhibit D)

SEC. 8-044.01 Board of Commissioners

The Board shall be comprised of five (5) members. ~~There shall be four (4) members nominated and~~

~~appointed by the Parish Council. There shall be one (1) member nominated and appointed by the Parish President. (Ord. No. 00-0157, adopted 06/01/2000)~~ The Parish is authorized to appoint two (2) members. There shall be one (1) member nominated and appointed by the Parish Council. There shall be one (1) member nominated by joint concurrence of the Parish President and the Council member(s) from the District(s) protected by said Fire Protection District, and thereafter appointed by the Council. There shall be two (2) members appointed by the Town of Sun Aldermen. Once appointed, the four (4) members shall select an individual to serve as the final member and Board Chairman.

SECTION III. Upon the installation of the Board of Commissioners of St. Tammany Parish Fire Protection District No. 9 as reconstituted and reestablished herein and hereby, St. Tammany Parish Fire Protection District No. 10 shall be merged and consolidated into and with St. Tammany Parish Fire Protection District No. 9 as reconstituted and reestablished by this ordinance.

SECTION IV. In accordance herewith, and upon the the installation of the Board of Commissioners of St. Tammany Parish Fire Protection District No. 9 as reconstituted and reestablished herein and hereby, all of the rights and obligations of St. Tammany Parish Fire Protection District No. 10 shall be vested in St. Tammany Parish Fire Protection District No. 9.

SECTION V. Nothing herein shall be construed to change the amount of property taxes authorized by the voters of the respective districts. The taxes authorized to be levied in the respective districts shall continue to be levied for the duration of the term approved by the voters of the respective districts.

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 other provisions 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 fifteen (15) days after adoption.

MOVED FOR ADOPTION BY _____, SECONDED BY _____

YEAS:

NAYS:

ABSTAIN:

ABSENT:

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THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE _____ DAY OF _____, 2009; AND BECOMES ORDINANCE COUNCIL SERIES NO. 09-_____.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: _____, 2009

Published Adoption: _____, 2009

Delivered to Parish President: _____, 2009 at _____

Returned to Council Clerk: _____, 2009 at _____