

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 6296

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: CANULETTE

PROVIDED BY: CIVIL DIVISION ADA

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 5 DAY OF DECEMBER , 2019

ORDINANCE TO ABOLISH SUB-DRAINAGE DISTRICT NO. 1 OF GRAVITY DRAINAGE DISTRICT NO. 3 OF THE PARISH OF ST. TAMMANY, STATE OF LOUISIANA AND TO PROVIDE FOR ALL OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, pursuant to Article VI, Sect.15 of the Louisiana Constitution, La. R.S. 33:1415, La. R.S. 38:1798.1, and St. Tammany Parish Home Rule Charter Sections 8-06 and 8-08, the St. Tammany Parish Council as governing authority of St. Tammany Parish Government has the authority to abolish the St. Tammany Parish Sub-Drainage District No. 1 of Gravity Drainage District No. 3; and

WHEREAS, on March 19, 2019 pursuant to La. R.S. 38:1798.1, the Board of Commissioners of Sub-Drainage District No. 1 of Gravity Drainage District No. 3 unanimously passed Resolution 2019-001 requesting that said district be terminated and directing St. Tammany Parish Government regarding the disposition of said district's remaining property and funds; and

WHEREAS, Policy Jury Ordinance No. 87-857 granted Sub-Drainage District No. 1 of Gravity Drainage District No. 3 the authority to incur debt, which debt has been paid; and

WHEREAS, Sub-Drainage District No. 1 of Gravity Drainage District No. 3 last held an election on November 2, 2004 where an annual parcel fee of sixty dollars (\$ 60.00) per lot was approved, and said parcel fee is expired and has not been renewed; and

WHEREAS, it is the desire of St. Tammany Parish Government to abolish the St. Tammany Parish Sub-Drainage District No. 1 of Gravity Drainage District No. 3 and accept the funds of said district, to be disposed of as set out in Resolution 2019-001; and

WHEREAS, it is the desire of St. Tammany Parish Government to accept all property of St. Tammany Parish Sub-Drainage District No. 1 of Gravity Drainage District No. 3 into the St. Tammany Parish Drainage Maintenance System.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that by virtue of the authority conferred by Article VI, Sect.15 of the Louisiana Constitution, La. R.S. 33:1415, La. R.S. 38:1798.1, and St. Tammany Parish St. Tammany Parish Home Rule Charter Sections 8-06 and 8-08, St. Tammany Parish Sub-District No. 1 of Gravity Drainage District No. 3 be and the same is hereby abolished.

BE IT FURTHER ORDAINED that St. Tammany Parish Government shall assume any and all rights, duties and obligations previously held and/or incurred by St. Tammany Parish Sub-District No. 1 of Gravity Drainage District No. 3 and shall have the authority to assert said rights, duties and obligations as its own.

BE IT FURTHER ORDAINED the St. Tammany Parish Council directs Municode to add a notation to Section 115-179 of the St. Tammany Parish Code of Ordinances reflecting that Sub-District No. 1 of Gravity Drainage District No. 3 has been abolished by St. Tammany Parish Government.

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: _____

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 ON THE 16 DAY OF JANUARY , 2019 ; AND BECOMES ORDINANCE COUNCIL SERIES NO ____.

MICHAEL R. LORINO, JR. , COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: NOVEMBER 28 , 2019

Published Adoption: _____ , 2019

Delivered to Parish President: _____ , 2019 at _____

Returned to Council Clerk: _____ , 2019 at _____

**SUB-DRAINAGE DISTRICT NO. 1 (PARCEL)
of
GRAVITY DRAINAGE DISTRICT NO. 3
PARISH OF ST. TAMMANY
STATE OF LOUISIANA**

Resolution 2019-001
Preparation of Agreements to lead to the Termination of Sub-Drainage District No. 1

At an announced meeting of the Board of Commissioners of Sub-Drainage District No.1 of Gravity Drainage District No. 3 held on Tuesday, March 19, 2019, the following resolution was offered by Art Weller and seconded by Craig Mullett:

RESOLUTION

WHEREAS, Sub-Drainage District No. 1 (Parcel) of Gravity Drainage District No. 3 (the "District") is a political body duly organized and existing under the laws of the State of Louisiana to help alleviate flooding of residences within the Sub-Drainage District, and

WHEREAS, Police Jury Ordinance No. 87-857 granted the District authority to incur debt, to issue bonds and to levy parcel fees, and

WHEREAS, an election held November 2, 2004 passed a proposition to continue to levy and collect an annual parcel fee of Sixty Dollars (\$60.00) on each lot, sub-divided portion of ground and/or individual tract located in the District for an additional period of ten (10) years through the year 2017, which election was duly certified by the Parish Board of Election Supervisors, and

WHEREAS, the levy and collection of annual parcel fees has expired, without renewal, and

WHEREAS, all construction projects, save one, sponsored by the District have been completed and,

WHEREAS, the remaining project, termed the "Eddins Canal Drainage Project", has been folded in with another project outside of the District ("Ben Thomas Road Retention Pond"), with the combined projects receiving Permits from the Army Corps of Engineers and approval of funding from FEMA, and

WHEREAS, receipt of funds from FEMA for the combined projects is expected this summer, and

WHEREAS, the District will have no further involvement in the Eddins Canal Drainage Project after performing its review of the final design documents prior to bid preparation, and

WHEREAS, the St. Tammany Department of Engineering will assume responsibility for progressing the combined projects, including bid preparation, bid evaluation, award of construction contracts and overseeing construction activities.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Sub-Drainage District No. 1 (Parcel) of Gravity Drainage District No. 3 of St. Tammany Parish as follows:

That the Board of Commissioners authorizes Jack Templeman, Chairman, to execute a letter that would request the Parish Civil Legal Department to prepare necessary agreements and documents to terminate the Sub-drainage District, which letter is attached to this resolution and made part of it.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of Commissioners of Sub-Drainage District No. 1 (Parcel) of Gravity Drainage District No. 3 of St. Tammany Parish as follows:

Regarding disposition of the District's remaining funds, which had a balance of \$610,733 on December 31, 2018, the following restricted uses are to be incorporated into the termination agreement: (a) Acquisition of rights-of-way and servitudes related to the Eddins Canal Drainage Project; (b) Reimbursement to the Parish Civil Legal Department for payments to Louisiana Property Acquisition Company for costs related to the Eddins Canal Drainage Project; (c) Reimbursement to the Parish Department of Engineering for development costs for the Eddins Canal Drainage Project not covered by the FEMA funds; (d) Purchase of property located on the south side of Haas Road and adjacent to the W-15 canal for use as a stormwater detention pond, including expenses related to land surveys, title searches, seller negotiations and engineering definition; (e) Eventual transfer [following (a), (b), (c) and (d)], of any residual funds to the Parish Department of Public Works for maintenance work within the Sub-Drainage District, reflecting that the funds were originally collected from parcel owners within the Sub-Drainage District.

This resolution having been submitted to a vote, and the vote thereon was as follows:

Yeas: Danny Brinson, Craig Mullett, Don Nix, Jack Templeman and Art Weller

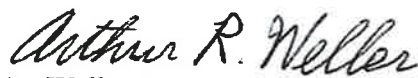
Nays: None

Absent: None

This resolution was declared adopted on this 19th day of March, 2019.



Jack Templeman, Chairman
Sub-Drainage District No. 1 of
Gravity Drainage District No. 3



Art Weller, Treasurer
Sub-Drainage District No. 1 of
Gravity Drainage District No. 3

Staff comment:

See attached Resolution 2019-001 of the Board of Commissioners of Sub-District No. 1 of Gravity Drainage District No. 3.

It should be noted that a gravity sub-drainage district is a distinct political subdivision¹ from a gravity drainage district.² As such, Sub-Drainage District No. 1 of Gravity Drainage District 3 is a wholly separate entity rather than a component entity of Gravity Drainage District 3.

1 See La. R.S. 38:1807(C).

2 See example La. R.S. 38:1806 establishing Gravity Drainage District No. 3 of St. Tammany Parish.

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