

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 6309

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: TOLEDANO

PROVIDED BY: CIVIL DIVISION ADA

INTRODUCED BY: MR. STEFANCIK

SECONDED BY: MS. O'BRIEN

ON THE 16 DAY OF JANUARY , 2020

ORDINANCE TO DISSOLVE GRAVITY DRAINAGE DISTRICT NO. 5 OF THE PARISH OF ST. TAMMANY, STATE OF LOUISIANA AND TO PROVIDE FOR ALL OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, pursuant to Article VI, Section 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 dissolve the St. Tammany Parish Gravity Drainage District No. 5; and

WHEREAS, on February 6, 2020 pursuant to La. R.S. 38:1798.1, the St. Tammany Parish Council passed Resolution Council Series No. C-6214 dissolving St. Tammany Parish Gravity Drainage District No. 5; and

WHEREAS, all debts of St. Tammany Parish Gravity Drainage District have been paid and taxes and parcel fees of said district have expired and have not been renewed; and

WHEREAS, it is the desire of St. Tammany Parish Government to dissolve the St. Tammany Parish Gravity Drainage District No. 5 and accept the funds of said district, to be disposed of as set out in Resolution No. C-6214; and

WHEREAS, it is the desire of St. Tammany Parish Government to accept all property of St. Tammany Parish Gravity Drainage District No. 5 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, Section 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 Gravity Drainage District No. 5 be and the same is hereby dissolved.

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 Gravity Drainage District No. 5 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 Chapter 115, Article VII of the St. Tammany Parish Code of Ordinances reflecting that Gravity Drainage District No. 5 has been dissolved 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 6 DAY OF FEBRUARY , 2020 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

MICHAEL R. LORINO, JR. , COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: JANUARY 8 , 2020

Published Adoption: _____ , 2020

Delivered to Parish President: _____ , 2020 at _____

Returned to Council Clerk: _____ , 2020 at _____

Staff comment:

It should be noted that a gravity sub-drainage district is a distinct political subdivision from a gravity drainage district.¹ As such, the various sub-districts of Gravity Drainage District No. 5 will continue to exist until dissolved.

¹ See La. R.S. 38:1807 re: subdrainage districts in St. Tammany Parish

¹ See example La. R.S. 38:1806 establishing Gravity Drainage District No. 3 of St. Tammany Parish.