

2003-0356

INTRODUCED BY: ALBERT D. LAQUE, PARISH PRESIDENT
(DEPARTMENT OF LEGAL SERVICES)

ORDINANCE NO. 03-11-2

An ordinance to approve and authorize the execution of a Local Services Agreement on behalf of St. Charles Parish, with the St. Charles Parish School Board, St. Charles Parish Hospital, St. Charles Parish Sheriff, St. Charles Parish Assessor, Pontchartrain Levee District, Lafourche Basin Levee District and the Sunset Drainage District for the purpose of controlling the rising number of adjudicated properties and to revitalize economically depressed areas by placing adjudicated properties back in the economic stream of commerce and back on the tax rolls, all in accordance with State law; and further to implement a procedure in which to accomplish this purpose.

WHEREAS, St. Charles Parish has surplus adjudicated properties; and,
WHEREAS, St. Charles Parish wishes to return these adjudicated properties to commerce; and,
WHEREAS, St. Charles Parish wishes to implement a procedure to be administered by the Department of Legal Services in accordance with the requirements of law; and,
WHEREAS, it is necessary that all taxing authorities in St. Charles Parish enter into a Local Services Agreement to place said procedure into action.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS.

Section I. That the Local Services Agreement by and between St. Charles Parish, the St. Charles Parish School Board, St. Charles Parish Hospital, St. Charles Parish Sheriff, St. Charles Parish Assessor, Pontchartrain Levee District, Lafourche Basin Levee District and the Sunset Drainage District is hereby approved.

Section II. That the Parish President is hereby authorized to execute said Local Services Agreement on behalf of St. Charles Parish.

Section III. That the Department of Legal Services is hereby authorized to implement a procedure for the purpose of placing the adjudicated properties back to the economic stream of commerce and back on the tax rolls.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: RAMCHANDRAN, FAUCHEUX, HILAIRE, FABRE, ABADIE, AUTHEMENT,
BLACK, MARINO, MINNICH

NAYS: NONE

ABSENT: NONE

And the ordinance was declared adopted this 3rd day of November, 2003, to become effective (5) days after publication in the Official Journal.

CHAIRMAN *Lance Marino*

SECRETARY: *Barbara J. Just*

DLVD/PARISH PRESIDENT: *November 4, 2003*

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: *Albert D. Laque*

RETD/SECRETARY *November 4, 2003*

AT *12:32 PM* RECD BY: *[Signature]*

LOCAL SERVICES AGREEMENT

UNITED STATES OF AMERICA

STATE OF LOUISIANA

PARISH OF ST. CHARLES

BE IT KNOWN that on this _____ day of _____, in the year 2003, before the undersigned Notaries Public, duly commissioned and qualified in and for the Parish and State aforesaid, therein residing and in the presence of the witnesses hereinafter named and undersigned:

PERSONALLY CAME AND APPEARED:

1. **THE PARISH OF ST. CHARLES, STATE OF LOUISIANA** ("Parish"), appearing by and through Albert D. Laque, the Parish President, duly authorized by ordinance of the Parish Council of St. Charles Parish, Louisiana ("Parish"), adopted at a meeting held on the 3rd day of November, 2003, a certified copy of which is annexed hereto; and
2. **THE ST. CHARLES PARISH SCHOOL BOARD** ("School Board"), appearing by and through John Smith, President, duly authorized by resolution of the St. Charles Parish School Board adopted at a meeting held on the _____ day of _____, 2003, a certified copy of which is annexed hereto;
3. **HOSPITAL SERVICE DISTRICT NO. 1 OF THE PARISH OF ST. CHARLES** ("Hospital") appearing by and through Hospital Board Chairman, Thomas Cheramie, duly authorized by resolution of the St. Charles Parish Hospital Board adopted at a meeting held on the _____ day of _____, 2003, a certified copy of which is annexed hereto;
4. **THE ST. CHARLES PARISH LAW ENFORCEMENT DISTRICT** ("Sheriff") appearing by and through Greg Champagne, Sheriff of St. Charles Parish, who also appears individually as the tax collector for the Parish of St. Charles;
5. **THE ST. CHARLES PARISH ASSESSOR** ("Assessor) appearing by and through Assessor of St. Charles Parish, Clyde Gisclair.
6. **THE PONTCHARTRAIN LEVEE DISTRICT** ("Ponchartrain"), appearing by and through Joseph Gautreau, President, duly authorized by resolution of the Board of Levee Commissioners of the Pontchartrain Levee District adopted at a meeting held on the _____ day of _____, 2003, a certified copy of which is annexed hereto,

7. **THE LAFOURCHE BASIN LEVEE DISTRICT** ("Lafourche"), appearing by and through Aubrey Gravois, President, duly authorized by resolution of the Board of Levee Commissioners of the Lafourche Levee District adopted at a meeting held on the _____ day of _____, 2003, a certified copy of which is annexed hereto;

8. **THE SUNSET DRAINAGE DISTRICT** ("Sunset"), appearing by and through Eric Matherne, President, duly authorized by resolution of the Sunset Drainage District adopted at a meeting held on the _____ day of _____, 2003, a certified copy of which is annexed hereto;

WHO DECLARED, that the: Parish, School Board, Hospital, Sheriff, Assessor, Ponchartrain, Lafourche, and Sunset (hereinafter sometimes collectively referred to as "Members"), are all political subdivisions organized under the laws of the State of Louisiana, or constitutional officers established under the Louisiana Constitution of 1974, and that availing themselves of the provisions of Chapter 2 of Title 33 of the Louisiana Revised Statutes of 1950, as amended, La. R-S. 33:1321-1337, inclusive (the "Local Services Law") and other constitutional and statutory authority supplemental thereto, they do by these present enter into the following Local Services Agreement between themselves, for the objects and purposes and under the conditions, covenants and stipulations of the following agreement, to-wit:

ARTICLE I AGREEMENT

- 1.1 The Members are joining together (i) to control the rising number of abandoned properties, to slow urban blight, and to revitalize economically depressed areas by placing abandoned properties back into the economic stream of commerce and back on the tax rolls, all in accordance with Section 1324(4) of the Local Services Law, Chapter 13-A of Title 33 of the Louisiana Revised Statutes (33:4720.11 - 4720.19) and Louisiana Revised Statutes 33:4712, as more specifically set forth herein; (ii) to provide for the orderly payment at the time of the sale of the Property, in whole or in part, of (a) charges listed on the tax rolls, penalties, interest and (b) charges and liens of the members imposed upon the Property pursuant to Revised Statute 33:1236, Revised Statute 33:4766, Revised Statute 40:1502.1, Act 169 of 1898, as amended, and/or the _____ of the Parish of St. Charles, and (iii) to provide for the Parish to cancel (a) past due ad valorem taxes, penalties, interest and (b) charges and liens of the members imposed pursuant to Revised Statute 33:1236, Revised Statute 33:4766, Revised Statute 40:1502.1, Act 169 of 1898 as amended or _____ of the Parish of St. Charles.

ARTICLE II DEFINITIONS

- 2.1 The term "Agreement" or "Local Services Agreement" as used herein, shall mean and refer to this document.

- 2.2 The term "Property" shall mean any property which has been adjudicated to the Parish for unpaid ad valorem taxes, which is considered abandoned under the provisions of Chapter 13-A of Title 33 of the Louisiana Revised Statutes, which has been declared surplus by the Parish of St. Charles and which the St. Charles Parish Council has authorized to be sold under the provisions of Louisiana Revised Statute 33:4712.

**ARTICLE III
PURPOSE**

- 3.1 It is the intention of the Members that this Agreement constitute a Local Services Agreement under the provisions of the Local Services Law.

**ARTICLE IV
JOINT UNDERTAKING**

- 4.1 The Parish agrees to make an active and concerted effort to solicit offers for all abandoned, adjudicated property in the Parish of St. Charles and to sell same for the benefit of the citizens of St. Charles Parish and all Members of this Agreement.
- 4.2 If a tax debtor redeems any Property offered for sale as surplus property, the Parish agrees to waive any compensation for its efforts as to that parcel under this Agreement.
- 4.3 If any Property does not sell as surplus property, the Parish shall waive any compensation for its efforts as to that parcel under this Agreement.
- 4.4 If any Property is actually sold as surplus property, the other Members do hereby authorize the Parish to retain one-third (1/3) of the sales price as compensation for its efforts under this Agreement, to pay to the Sheriff the amount required by him to cancel the charges listed on the tax rolls, penalties, and interest, and to pay to the appropriate Members the amount required to cancel any charges and liens of record against the Property imposed pursuant to Revised Statute 33:1236, Revised Statute 33:4766, Revised Statute 40:1502.1, Act 169 of 1898, as amended, and/or _____ of the Parish of St. Charles. If the balance of the sale price is insufficient to pay (a) the charges listed on the tax rolls, penalties, interest and (b) charges and liens imposed pursuant to Revised Statute 33:1236, Revised Statute 33:4766, Revised Statute 40:1502.1, Act 169 of 1898, as amended, and/or _____ of the Parish of St. Charles, all Members agree to accept a proportionate share of the balance equal to the percentage of the balance as to the (a) charges listed on the tax roll penalties, and interest and (b) charges and liens against the Property imposed pursuant to Revised Statute 33:1236, Revised Statute 33:4766, Revised Statute 40-1502.1, Act 169 of 1898 as amended, or _____ of the Parish of St. Charles, and authorize the Parish to make such proportionate payments to the Sheriff and to the appropriate Members.
- 4.5 If any Property is actually sold as surplus property, the other Members do hereby authorize the Parish to cancel all (a) charges listed on the tax rolls, penalties, and interest

and (b) charges and liens imposed against the Property pursuant to Revised Statute 33:1236, Revised Statute 33:4766, Revised Statute 40:1502. 1, Act 169 of 1898, as amended, and/or _____ of the Parish of St. Charles, in the Act of Sale of the surplus property and authorize the Parish to either pay these sums to the Sheriff and the appropriate members or the pro rata share of these sums, depending on which is applicable.

- 4.6 The Members authorize the recording of the Agreement in the conveyance and mortgage records of the Clerk of Court for the Parish of St. Charles to establish the Parish's authority to act on behalf of the other Members.
- 4.7 The Parish shall advise each Member as to each parcel of Property being considered by the Parish of St. Charles for sale as surplus property so that Members may express their views as to the surplus nature of the property.

ARTICLE V AMENDMENT

- 5.1 This Local Services Agreement may be amended within the limitations prescribed by law by resolution of all of the Members.

ARTICLE VI LIBERAL INTERPRETATION

- 6.1 This Local Services Agreement shall be interpreted liberally, to the end that through the use of arrangements provided herein, greater economy and efficiency of the joint undertaking may be encouraged, and the benefits of such joint undertaking may be extended in the best interest of the citizens of the Members and the State of Louisiana, all as provided in the Local Services Law.

ARTICLE VII SEVERABILITY

- 7.1 If any one or more of the provisions of this Local Services Agreement shall be declared to be contrary to law by any Court of competent jurisdiction, then such provision or provisions shall be null and void and shall be deemed separable from the remaining provisions of this Local Services Agreement and shall in no way affect the validity of the other provisions of this Local Services Agreement.

THUS DONE AND PASSED in multiple originals as of _____, but actually executed on the day, month and year first herein above written, in the presence of the undersigned competent witnesses, who have hereunto signed their names with the said

appearers and me, Notary, after due reading of the whole:

ATTEST:

Barbara J Jant

PARISH OF ST. CHARLES, STATE OF LOUISIANA

BY: *Albert D. Laque*
Albert D. Laque, Parish President

NOTARY PUBLIC

ATTEST:

Rodney Lopez

ST. CHARLES PARISH SCHOOL BOARD

BY: *John Smith*
John Smith, President

Michelle Morel
NOTARY PUBLIC

ATTEST:

Sa Marie Smith

HOSPITAL SERVICE DISTRICT NO.1 OF THE PARISH OF ST. CHARLES

BY: *Thomas Cheramie*
Thomas Cheramie, Board Chairman

Michelle Morel
NOTARY PUBLIC

ATTEST:

Greg Champagne

ST. CHARLES PARISH LAW ENFORCEMENT DISTRICT

BY: *Greg Champagne*
Greg Champagne, Sheriff

Michelle Morel
NOTARY PUBLIC

ATTEST:

ST. CHARLES PARISH ASSESSOR

Adeline B. Verda

BY: *Clyde Gisclair*
Clyde Gisclair, Assessor

Michelle Moore
NOTARY PUBLIC

ATTEST:

PONTCHARTRAIN LEVEE DISTRICT

BY: Joseph Gautreau, President

NOTARY PUBLIC

ATTEST: *Camela J. Bontons*

THE LAFOURCHE BASIN LEVEE DISTRICT

BY: *Aubrey Gravois*
Aubrey Gravois, President

Michelle Moore
NOTARY PUBLIC

ATTEST:

Ada Marie Smith

SUNSET DRAINAGE DISTRICT

BY: *Eric Matherne*
Eric Matherne, President

Michelle Moore
NOTARY PUBLIC