

ORDINANCE

2008-O-17

An ordinance creating the Vermilion Parish Hurricane Flood Protection and Drainage District, Louisiana; describing its powers and the purposes for its creation; describing its boundaries; and providing for other matters in connection therewith.

BE IT ORDAINED by the Police Jury of the Parish of Vermilion, State of Louisiana (the "Police Jury"), acting as the governing authority of the Parish of Vermilion, State of Louisiana (the "Parish"), that:

SECTION 1. Creation: Boundaries and Governing Authority. Pursuant to the provisions of Article VI, Section 15 of the Constitution of the State of Louisiana of 1974, Section 562 (N) of Title 39 of the La. Revised Statutes of 1950, as amended (the "Act"), and other constitutional and statutory authority, the Vermilion Parish Hurricane Flood Protection and Drainage District, Louisiana (the "District"), is hereby created, with boundaries coextensive with the boundaries of the Parish, as such boundaries are presently constituted or as they may be changed or altered from time to time. The District shall constitute a body politic and political subdivision of the Parish governed by the Police Jury, and the officers of the Police Jury shall be the officers of the District. The domicile of the District shall be the regular meeting place of the Police Jury.

SECTION 2. General Powers. In addition to those specific powers hereinafter set forth, the District shall be vested with all powers inherent in such political subdivisions, including the power to do and perform all acts which are necessary and proper for its purposes as herein provided for. The District shall have the power to construct, improve, maintain and operate drainage and forced drainage facilities which shall include, but without limitation, the construction, improvement, maintenance and operation of levees, pumping stations, flood protection and hurricane protection facilities. The Police Jury, as the governing authority of the District, may cooperate with the state and federal governments in the construction and maintenance of levees within the District, under terms and conditions provided by the state and the federal authorities which are acceptable to this Police Jury. Lands and improvements thereon taken, used or destroyed for levees or drainage purposes shall be paid for as provided by law.

The construction, improvement, maintenance and operation of local drainage systems and facilities throughout the Parish and outside of municipal corporations shall continue to be the function of the Parish and its underlying drainage and gravity drainage districts, however, the District may assist in the performance of such public works under the terms and conditions of intergovernmental agreements between the District and such public entities, including the municipalities in the Parish.

SECTION 3. Authority to Levy Sales and Use Taxes. This Police Jury hereby designates the District as a special district with the authority to levy and collect a sales and use tax in a percentage to be determined by this Police Jury, in accordance with the provisions of Section 2721.6 of Title 33 of the Louisiana Revised Statutes of 1950 (R. S. 33:2721.6), as amended, and/or laws amendatory thereof or supplemental thereto, use the proceeds thereof for its lawful purposes and fund the proceeds thereof into bonds for its capital improvement needs,

in the manner provided by State law, including Subpart F, Part III, Chapter 4, Title 39 of the Louisiana Revised Statutes of 1950, as amended, provided, however, such sales and use tax shall be imposed for such purposes only after the question of the imposition of the tax and the funding of the proceeds thereof have been approved by a majority of the voters voting in an election held in the District for such purpose.

SECTION 4. Authority to Levy Ad Valorem Taxes. Pursuant to the authority granted by the Constitution and laws of this State, the District shall, subject to voter approval, have the authority to levy ad valorem taxes in the manner provided by Article VI, Section 32 of the Constitution of the State of Louisiana of 1974, the proceeds of which shall be used for its lawful purposes.

SECTION 5. Authority to Issue General Obligation Bonds. The District shall have the authority to incur debt and issue general obligation bonds of the District for its capital purposes, in the manner provided by Article VI, Section 33 of the Constitution of the State of Louisiana of 1974, and statutory authority supplemental thereto and within the limitation prescribed by the Act and/or statutory authority supplemental thereto, provided, however, the question of the issuance of the bonds shall first be approved by a majority of the voters voting in an election held in the District for such purpose.

SECTION 6. Severability. In case any one or more of the provisions of this ordinance shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of said ordinance, but the same shall be construed and enforced as if such illegal or invalid provisions had not been contained herein. Any constitutional or statutory provisions enacted after the date of this ordinance which validate or make legal any provisions thereof shall be deemed to apply hereto.

SECTION 7. This ordinance shall be published in full in the official journal of this Police Jury after adoption, and shall be in full force and effect following the date of such publication.