

ST. TAMMANY PARISH COUNCIL

RESOLUTION

RESOLUTION COUNCIL SERIES NO. C-1600

COUNCIL SPONSOR: MR. DEAN

PROVIDED BY: COUNCIL OFFICE LEGAL

RESOLUTION CONCURRING IN TANGIPAOHA PARISH COUNCIL ORDINANCE NO. 05-64, WHICH AUTHORIZES TANGIPAOHA PARISH SEWERAGE DISTRICT NO. 1 TO COLLECT AND TREAT SEWAGE FROM PUBLIC AND PRIVATE ENTITIES IN ST. TAMMANY PARISH, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the Tangipahoa Parish Council has adopted T.P. Ordinance No. 05-64, attached hereto, which authorizes Sewerage District No.1 of Tangipahoa Parish to accept sewage from public and private entities located in St. Tammany Parish, provided the governing body for St. Tammany Parish grants its approval, and to treat this waste at Tangipahoa Parish Sewerage District No. 1 facilities in Tangipahoa Parish, Louisiana; and

WHEREAS, the Tangipahoa Parish Council has, in addition, authorized Sewerage District No. 1 to enter into contracts with public and private entities for the treatment of sewage, and any other contractual provisions necessary to effectuate this service; and

WHEREAS, Bedico Creek Utilities, a private utility company regulated by the Louisiana Public Service Commission, is responsible for providing sewer and water services to the Bedico Project, located in unincorporated St. Tammany Parish, and is proposing to enter into an agreement with Tangipahoa Parish Sewerage District No. 1 for the purpose of connecting the Bedico Creek development into the new regional sewage treatment facility of Tangipahoa Parish Sewerage District No. 1 (see attached document of June 21, 2005); and

WHEREAS, utilization of a regional sewerage treatment facility is in the best interest of the public health, safety and welfare.

THE PARISH OF ST. TAMMANY HEREBY RESOLVES to concur in Tangipahoa Parish Council Ordinance No. 05-64, authorizing Sewerage District No.1 of Tangipahoa Parish to accept sewage from public and private entities located in St. Tammany Parish, specifically the Bedico Creek development and its sewage treatment and water provider, Bedico Creek Utilities, to treat this waste at Tangipahoa Parish Sewerage District No. 1 facilities in Tangipahoa Parish, Louisiana, and to enter into such contract as is necessary to effectuate this service.

THIS RESOLUTION HAVING BEEN SUBMITTED TO A VOTE, THE VOTE THEREON WAS AS FOLLOWS:

MOVED FOR ADOPTION BY: _____, SECONDED BY: _____

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS RESOLUTION WAS DECLARED ADOPTED ON THE _____ DAY OF _____ 2005, AT A REGULAR MEETING OF THE PARISH COUNCIL, A QUORUM OF THE MEMBERS BEING PRESENT.

STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

DIANE HUESCHEN, COUNCIL CLERK

T. P. ORDINANCE NO. 05-64

AN ORDINANCE TO AMEND THE TANGIPAHOA PARISH CODE OF ORDINANCES TO INCLUDE UNDER AND AS A PART OF CHAPTER 23, SECTION 23-37 ENABLING AND AUTHORIZING SEWERAGE DISTRICT NO. 1 TO COLLECT SEWAGE FROM PUBLIC AND PRIVATE ENTITIES LOCATED IN ST. TAMMANY PARISH PROVIDED THE GOVERNING BODY OF ST. TAMMANY PARISH GRANTS ITS APPROVAL, AND TO TREAT THIS WASTE AT TANGIPAHOA PARISH SEWERAGE DISTRICT NO. 1 FACILITIES IN TANGIPAHOA PARISH, LOUISIANA. IN ADDITION, THIS ORDINANCE WILL ENABLE THE SEWERAGE DISTRICT NO. 1 OF TANGIPAHOA PARISH TO BE ALLOWED TO ENTER INTO CONTRACTS WITH THESE PUBLIC OR PRIVATE ENTITIES FOR THE TREATMENT OF THIS SEWAGE, AND ANY OTHER CONTRACTUAL PROVISIONS NECESSARY TO EFFECTUATE THIS SERVICE SUCH AS TERMS OF PAYMENT, THE DIRECT COLLECTION OF FEES, AND ANY OTHER REQUIREMENTS."

WHEREAS, this Police Jury has pursuant to Ordinance No. 85-5, passed on May 7, 1985 for the purpose of creating a Sewerage District outside the corporate limits of municipalities within certain portions of the Parish of Tangipahoa (The "Parish"), as required by Sections 3881 through 3891 of Title 33 of the Louisiana Revised Statutes of 1950, as amended (LSA R.S. 33:3881 et seq.);

WHEREAS, Sewerage District No. 1 for Tangipahoa Parish provides a valuable, important sewerage services to the community, in insuring the proper disposal of sewage, thereby protecting the health of the citizens and the environment as a whole;

WHEREAS, Sewerage District No. 1 for Tangipahoa Parish needs an economical and efficient method of enforcing the collection of its sewerage charges so that it may continue to expand its services.

THEREFORE, BE IT ORDAINED by the Tangipahoa Parish Council, the governing authority of Tangipahoa Parish, Louisiana as follows:

That the Tangipahoa Parish Code of Ordinances, Chapter 23, be amended to include Section 23-37 to read as follows:

That the Sewerage District No. 1 of Tangipahoa Parish be allowed to accept sewage from public and private entities located in St. Tammany Parish provided the governing body for St. Tammany Parish grants its approval, and to treat this waste at Tangipahoa Parish Sewerage District No. 1 facilities in Tangipahoa Parish, Louisiana.

In addition, that the Sewerage District No.1 of Tangipahoa Parish be allowed to enter into

contracts with public or private entities for the treatment of sewage, and any other contractual provisions necessary to effectuate this service such as terms of payment, the direct collection of fees, or other requirements.

BE IT FURTHER ORDAINED by the Tangipahoa Parish Council that this ordinance shall take effect immediately upon the signature of the Tangipahoa Parish President.

BE IT FURTHER ORDAINED that this ordinance shall become effective immediately upon signature of the Parish President.

This ordinance having been submitted in writing, having been introduced at a public meeting of the Tangipahoa Parish Council, discussed at a public hearing of said Council and was submitted to an official vote of the TPC.

On motion by _____ and seconded by _____, the foregoing ordinance was hereby declared adopted on this _____ day of _____, 2005 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ATTEST:

Margie Allen
Clerk of Council
Tangipahoa Parish Council

Bobby Cortez
Chairman
Tangipahoa Parish Council

INTRODUCED: _____

PUBLISHED: _____ DAILY STAR
OFFICIAL JOURNAL

ADOPTED: _____

DELIVERED TO PRESIDENT: _____ day of _____, 2005 at _____ .M.

APPROVED BY PRESIDENT: _____

VETOED BY PRESIDENT: _____ Gordon A. Burgess _____ Date

_____ Gordon A. Burgess _____ Date

RECEIVED FROM PRESIDENT: _____ day of _____, 2005 at _____ .M.

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June 21, 2005

Mr. Harold Hodges
Tangipahoa Parish Sewerage District No.1
15481 W. Club Deluxe Road
Hammond, LA 70403
(985) 542-8877
Fax: (985) 542-8574

re: Bedico Creek Utilities
New Regional Facility
CEI Reference No.: 04-026

Dear Mr. Hodges:

Mr. McClure and I would like to thank you and the Sewer District Board for your patience and kindness in meeting with us to discuss the Bedico Creek project, and its possible connection into the Sewer District's new regional facility currently being designed by Mr. Barilleaux.

We look forward to working with the Sewer District in an attempt to remove any obstacle that may prevent the two parties from reaching an agreement. As stated, we believe an agreement can be reached that will be beneficial to all parties concerned.

We understand the situation in Livingston Parish in which they refused to pay. To avoid the possibility of that happening, Mr. McClure, as the owner of Bedico Creek Utilities, would like you to make the following items a part of the agreement:

1. Bedico Creek Utilities will provide water service to the development, and as such will forward monthly bills to all residents. As a part of their billing service, Bedico Creek Utilities will also collect for water and sewer services each month. Should a resident fail to pay for either their water or sewer service, Bedico Creek Utilities will cut off the water supply to the customer as prescribed in their by-laws until the sewer and water bill is fully paid.
2. Bedico Creek Utilities will reimburse the Sewer District for any unpaid sewer bills each month and incur the cost to collect the unpaid fees from the customer.
3. Bedico Creek Utilities will forward a check to the Sewer District each month for every customer on the system. Payment will be based upon a fixed rate for services as may be prescribed by the Sewer District. Collection fees and fees paid to the Sewer District will be for all homes connected to the utility system.
4. Bedico Creek Utilities will pay the Sewer District an impact fee for the right to connect into the sewer treatment system. The impact fee is to be assessed by the District based upon a fair reimbursement of the impact of the Bedico Creek project to the overall construction cost of the regional facility.

Mr. Harold Hodges
Tangipahoa Parish Sewerage District No.1
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5. Bedico Creek will extend lines from their development to the connection point as prescribed by the District.
6. The Bedico Creek development will construct all sewer lines, lift stations, and control systems to the specifications of the Sewer District and donate the sewer system to the Sewer District. The District will maintain the facilities.

It is proposed that the above items be the basis of an agreement, and that these provisions be incorporated into your agreement proposal.

Please contact our office to further discuss any questions. With best regards,

Sincerely,

COOPER ENGINEERING, INC.

Leroy J. Cooper, P.E.

LJC/ejb

cc: Mr. George McClure
MH-01.LTR

C-1600

RESOLUTION

Whereas, Bedico Creek Utilities, (Mr. George McClure), the developers of Bedico Creek Subdivision, propose to donate to Sewerage District No. 1 of Tangipahoa Parish, the following:

Vehicular and power access to the Bedico Regional Sewerage Treatment Facility and the items stated in the attached letter from Leroy Cooper, P.E. dated June 21, 2005 in consideration of the following impact fee;
\$285,000.00

Now, BE IT RESOLVED that SEWERAGE DISTRICT NO. 1 Tangipahoa Parish, does hereby accept the above donation and will reserve capacity in Bedico Regional sewerage treatment facility for up to 400,000 gallons per Day of domestic sewerage for the use of Bedico Creek Utilities.

By vote of the Board of Directors of Sewerage District No.1 of Tangipahoa Parish, as follows: 3 Yeas 0 nays

This 17 day of October, 2005.

Attested hereto:

By: *Mark W. Madley, President*

President, Sewerage Dist. No. 1
of Tangipahoa Parish