

On a motion by Alderman Blair Briggs and seconded by Alderman Julius Alsandor, the following Resolution was offered for adoption:

RESOLUTION NO. 11 OF 2014

A RESOLUTION BY THE CITY OF OPELOUSAS EXPRESSING THE SUPPORT OF CONSTITUTIONAL AMENDMENT 3 (ACT 871 OF THE 2014 REGULAR SESSION OF THE LOUISIANA LEGISLATURE) AND CONSTITUTIONAL AMENDMENT 10 (ACT 436 OF THE REGULAR SESSION OF THE LOUISIANA LEGISLATURE), CONSTITUTIONAL AMENDMENTS TO ASSIST MUNICIPALITIES IN THE FIGHT AGAINST BLIGHTED PROPERTY

WHEREAS, the City of Opelousas relies on various sources of revenue to fund services to its citizens, including an annual property tax millage assessed to owners of real property located within the municipal limits and;

WHEREAS, the sale of adjudicated property and other aspects of a tax sale is a very complicated process in which many municipalities do not have the staff nor the necessary resources to ensure the compliance with the requirements to ensure the constitutional protections of the property owners and the public entity and;

WHEREAS, currently over 40 public bodies have opted to use cooperative endeavor agreements with private third parties to assist in the tax sale process and;

WHEREAS, on January 28, 2014, Louisiana State Supreme Court in the matter of *Jackson et al v. City of New Orleans 2012-CA-2742, 2012-CA-2743, January 28, 2014* which in summary, stated the City of New Orleans ordinance authorizing a cooperative endeavor agreement with a third party was unconstitutional based on the provisions of Article 7 Section 25 of the Louisiana Constitution to provide that only the tax collector or their employees may perform the functions of a tax sale and;

WHEREAS, the decision in *Jackson et al v. City of New Orleans* could jeopardize existing cooperative endeavor agreements and in response to the decision, the Louisiana Municipal Association supported HB 488 by Representative Johnny Berthelot which seeks to clarify that public bodies have the authority under the Louisiana State Constitution should the body opt to enter into such a contract and;

WHEREAS, the ability to enter into a cooperative endeavor agreement with a third party for the purposes of assisting municipalities with the tax sale process has many positive aspects including the ability to protect the constitutional rights of property owners, create a more efficient and less costly process for local governments, and also to ensure that property owners fulfill their obligations as taxpayers; and;

WHEREAS, on June 23, 2014, HB 488 became Act 871 and will be placed on the November 4, 2014 election ballot as Constitutional Amendment 3 for the voters of the State of Louisiana to consider whether an authorized agent of a tax collector can assist in the sales tax process and any fees charged may be included in the cost; and

WHEREAS, on June 26, 2013, HB 256 became Act 436 of the 2013 Regular Session of the Louisiana Legislature, a measure in which the Louisiana Municipal Association gave its full support and will appear on the November 4, 2014 election ballot as Constitutional Amendment 10 and;

WHEREAS, Act 436 seeks to provide for an 18-month redemption period in any parish other than Orleans, for vacant property sold at a tax sale which is considered blighted or abandoned and;

LET IT HEREBY BE RESOLVED that the City of Opelousas supports the passage of both Constitutional Amendment 3 and Constitutional Amendment 10 on November 4, 2014 as both constitutional amendments will provide valuable tools for municipalities and parishes to address the blighted property issues throughout the state in order to protect the health, safety and welfare of their citizens.

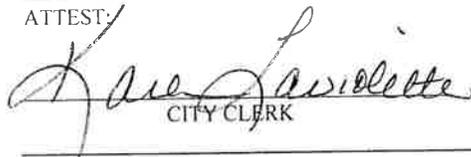
The above Resolution having been read in full and a vote taken was adopted as follows on this 9th day of September 2014:

YEAS: Joseph Charles, Julius Alsandor, Louis Butler, Jr., Blair Briggs, Reginald Tatum, and Jacqueline Martin.

NAYS: None.

ABSENT: None.

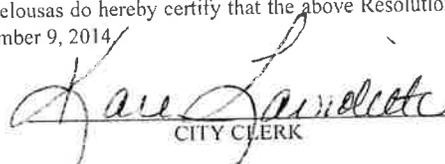
ATTEST:


CITY CLERK


MAYOR

CERTIFICATE

I, KAREN FRANK-LAVIOLETTE, Clerk for the City of Opelousas do hereby certify that the above Resolution was adopted by the Board of Aldermen at a Regular Meeting on September 9, 2014.


CITY CLERK