

RESOLUTION

A RESOLUTION AUTHORIZING THE JOINT UNDERTAKING BY THE CITY OF BATON ROUGE, STATE OF LOUISIANA, AND THE PARISH OF EAST BATON ROUGE, STATE OF LOUISIANA, TO CREATE A STORMWATER PUBLIC UTILITY DISTRICT NECESSARY OR INCIDENTAL TO THE OPERATION OF A MUNICIPAL SEPARATE STORMWATER SEWER SYSTEM AS REQUIRED BY STATE AND FEDERAL LAW, WITHIN THE CITY LIMITS OF THE CITY OF BATON ROUGE AND THE UNINCORPORATED AREAS OF THE PARISH OF EAST BATON ROUGE, AUTHORIZING THE EXECUTION OF A JOINT INTERGOVERNMENTAL LOCAL SERVICES AGREEMENT AND PROVIDING FOR THE CREATION OF THE STORMWATER PUBLIC UTILITY DISTRICT AND A JOINT COMMISSION TO ADMINISTER THE TERMS OF THE JOINT INTERGOVERNMENTAL AND LOCAL SERVICES AGREEMENT.

WHEREAS, it is provided in Article 6, Section 20 of the Louisiana Constitution of 1974, and the Local Services Law (Part VII, Chapter 2, Title 33 of the Louisiana Revised Statutes of 1950) that political subdivisions may exercise and perform any authorized power and function, including financing, jointly or in cooperation with one or more political subdivisions; and

WHEREAS, the City of Baton Rouge (the "City"), and the Parish of East Baton Rouge (the "Parish"), herein collectively referred to as the "Members", have specific and general powers and authority under Article 6, Section 20 of the Louisiana Constitution of 1974, Louisiana Revised Statutes Title 33:4161 and 33:4161.1, and the Local Services Law to form a stormwater public utility to plan, construct, acquire, extend, finance, improve, operate and maintain a stormwater management system; and

WHEREAS, the Members propose to enter into a joint agreement providing for said joint undertaking and providing for the creation of a stormwater public utility district and the commission to administer said joint agreement and district and to provide for the financing of said undertaking; and

WHEREAS, the Members intend that such agreement constitute a Local Services Agreement and a Contract for Services under the provision of the Local Services Law;

NOW THEREFORE BE IT RESOLVED, by the Metropolitan Council of the Parish of East Baton Rouge (the "Council"), acting as the governing authority of the City, the Parish and the District, as follows:

SECTION 1. That pursuant to Article 6, Section 20 of the Louisiana Constitution of 1974, the Local Services Law (Part VII, Chapter 2, Title 33 of the Louisiana Revised Statutes of 1950) and Louisiana Revised Statutes Title 33:4161 and 33:4161.1, there is hereby authorized a joint undertaking by the Parish of East Baton Rouge and the City of Baton Rouge, to create a stormwater public utility district to plan, construct, acquire, extend, finance, improve, operate and maintain a Municipal Separate Stormwater Sewer System ("MS4"). This joint undertaking shall consist of the combination of all of the stormwater assets and systems of the Members into a single stormwater system, the construction and acquisition of additions, improvements and extensions to the stormwater system and the maintenance, financing and operation of the MS4 as it exists or may be expanded from time to time.

SECTION 2. That in compliance with the aforesaid constitutional and statutory authority, the Mayor-President and the Council Administrator, for and on behalf of the City and the Parish be and are hereby authorized, empowered and directed to execute and Intergovernmental Agreement setting forth the terms and conditions for the implementation of the joint undertaking and creation of the public stormwater utility district.

SECTION 3. Said Intergovernmental Agreement shall be approved by the Office of the Parish Attorney as to form and legality.