



Cane River Waterway Commission

244 Cedar Bend
Natchez, Louisiana 71456
318-357-3007 office

The following Ordinance was introduced by Mr. Wiggins

and seconded by Methvin, to-wit:

ORDINANCE 3 OF 2021

AN ORDINANCE DECLARING MOVABLE PROPERTY TO BE SURPLUS AND AUTHORIZING THE CHAIRMAN OF THE CANE RIVER WATERWAY DISTRICT, TO CONVEY SAID MOVABLE SURPLUS PROPERTY TO THE NATCHITOCHE PARISH SHERIFF'S DEPARTMENT, A POLITICAL SUBDIVISION OF THE STATE WHOSE FUNCTIONS INCLUDE PUBLIC SAFETY, PROVIDING FOR ADVERTISING, FURTHER PROVIDING FOR SEVERABILITY, AND FURTHER PROVIDING FOR A REPEALER AND EFFECTIVE DATE OF ORDINANCE.

WHEREAS, the Cane River Waterway Commission (sometimes hereinafter referred to as the "CRWC") is a political subdivision of the State of Louisiana, located in the Parish of Natchitoches created and governed pursuant to Acts 1982, No. 391, R.S. 34:3261, *et seq.*; and

WHEREAS FURTHER, the Sheriff of Natchitoches Parish, is an elected official of the Parish of Natchitoches (sometimes hereinafter referred to as the "Sheriff"), whose functions include public safety; and

WHEREAS FURTHER, the CRWC is the owner of a boat and trailer that are more fully described as follows:

A fiberglass 2009 18 foot 3 inch Triton, bearing Hull Identification Number of TJZ8J200F909 and decal number 076381-18,

A 2009 MMTL boat trailer, bearing VIN of 5JUBY20179T042989, and title number 82236258,

(Said boat and trailer sometimes hereinafter referred to collectively as "Boat and Trailer"); and

WHEREAS FURTHER, the Boat and Trailer are in such a condition that they are not currently in service and cannot be placed back in service; in addition the Boat and Trailer were intended for use in water patrols on Cane River Lake which water patrols are no longer performed by the CRWC; therefore the CRWC is of the opinion that the Boat and Trailer are not needed for any public purpose by the CRWC and may be declared to be surplus property; and

WHEREAS FURTHER, the Sheriff has expressed a desire to acquire the Boat and Trailer in the hope that the Boat and Trailer can be repaired and used to provide patrols on water bodies to provide for the safety and security of the citizens of the Parish of Natchitoches, Louisiana; and

WHEREAS FURTHER, there is a general prohibition against the donation of public property set forth in Article 7, Section 14 of the Constitution of the State of Louisiana; however subsection (E) includes an exception which provides as follows, to-wit:

"(E) Surplus Property. Nothing in this Section shall prohibit the donation or exchange of movable surplus property between or among political subdivisions whose functions include public safety."; and

WHEREAS FURTHER, a similar exception may be found at LA R.S. 38:2319.21, which also permits the donation or exchange of movable surplus property between or among political subdivisions of the state whose functions include public safety; and

WHEREAS FURTHER, the CRWC desires to transfer and convey the Boat and Trailer to the Sheriff where it will be used for a public purpose helping provide for the health and safety of the citizens of the Parish of Natchitoches; and

WHEREAS FURTHER, the CRWC is of the opinion that the transfer of the Boat and Trailer will promote the health, safety and welfare of the citizens of the Parish of Natchitoches, Louisiana, and desires to authorize the Chairman of the CRWC to execute any document necessary to transfer the Boat and Trailer to the Sheriff; and

NOW THEREFORE BE IT ORDAINED by the Cane River Waterway Commission that it does hereby find that the Boat and Trailer that are more fully described as:

A fiberglass 2009 18 foot 3 inch Triton, bearing Hull Identification Number of TJZ8J200F909 and decal number 076381-18,

A 2009 MMTL boat trailer, bearing VIN of 5JUBY20179T042989, and title number 82236258,

are not needed by the Cane River Waterway Commission for any public purpose.

BE IT FURTHER ORDAINED that based on its finding that the Boat and Trailer are not needed for any public purpose, the Cane River Waterway Commission does hereby declare that the Boat and Trailer to be surplus property.

BE IT FURTHER ORDAINED by the Cane River Waterway Commission, pursuant to the authority set forth in Article 7, Section 14(E) of the Louisiana Constitution and LA R.S. 38:2319.21, desires to and does hereby convey and transfer that Boat and Trailer described as follows:

A fiberglass 2009 18 foot 3 inch Triton, bearing Hull Identification Number of TJZ8J200F909 and decal number 076381-18,

A 2009 MMTL boat trailer, bearing VIN of 5JUBY20179T042989, and title number 82236258,

to the Sheriff of the Parish of Natchitoches, Louisiana, and that the Chairman of the Cane River Waterway Commission, Jim Rhodes, is hereby authorized to execute any and all documents that may be necessary to complete the transfer of title, including, but not limited to, execution of a bill of sale or other act of conveyance and execution of any title on behalf of the Cane River Waterway Commission.

This ordinance was introduced on the 21 day of September, 2021.

This ordinance having been submitted on a roll call vote, the vote thereupon was as follows, to-wit:

AYES: 5 (Mr. Wiggins, Mr. Methvin, Mr. Paige, Mr. Rhodes, Mrs. Banks)

NAYS: 0

ABSENT: 0

ABSTAIN: 0

Thereupon, the **presiding officer** declared Ordinance 3 of 2021 passed by a vote of 5 ayes

to 0 nays, on this the 19 day of October, 2021.

Jim Rhodes, Chairman