

RESOLUTION NO. 09-253

The following Resolution was offered by Council Member Turner who moved its adoption:

A Resolution authorizing and directing Amos J. Cormier, III, Plaquemines Parish Council Attorney, to file a Mandamus against William H. Nungesser, in his capacity as Plaquemines Parish President and Chief Executive Officer of Plaquemines Parish to enforce Sections 2-6 and 18-1 of the Plaquemines Parish code of Ordinances and Ordinance No. 08-44; and otherwise to provide with respect thereto.

WHEREAS, it is the Administration's duty to enforce all Parish Ordinances; and

WHEREAS, the Administration has been told on two occasions that it was their responsibility to enforce Section 18-1 of the Parish Code of Ordinances by shutting down the operations of all unpermitted borrow pits located within Plaquemines Parish; and

WHEREAS, no action has been taken by the Administration; and

WHEREAS, Ordinance No. 08-44 was enacted in which the Parish Council adopted the emblem historically used by the Parish since the 1970's as its official seal; and

WHEREAS, the Administration continues to use a seal other than the official seal adopted by the Parish Council; and

WHEREAS, pursuant to Section 2-6 of the Plaquemines Parish Code of Ordinances each parish vehicle must have the Plaquemines Parish decal placed on the front door of each side of the vehicle; and

WHEREAS, several parish vehicles do not have the Parish decal on the front door of each side of the vehicle;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby authorizes and directs Amos J. Cormier, III, Plaquemines Parish Council Attorney, to file a Mandamus against William H. Nungesser, in his capacity as Plaquemines Parish President and Chief Executive Officer of Plaquemines Parish to enforce Sections 2-6 and 18-1 of the Plaquemines Parish Code of Ordinances and to use only the Official Parish Seal adopted by the Parish Council on items of public property.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

WHEREUPON, in open session the above Resolution was read and considered section by section and as a whole.

Council Member Beshel seconded the motion to adopt the Resolution.

The foregoing Resolution having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Don Beshel, Jerry Hodnett, Burghart Turner, John J. Friedman,
Lynda G. Banta and Marla Cooper

NAYS: Council Member Keith Hinkley, and Stuart J. Guey

ABSENT: Council Member Anthony L. Buras

PRESENT BUT NOT VOTING: None

And the Resolution was adopted on this the 23rd day of July, 2009.

I hereby certify the above and foregoing to be a true and correct copy of a Resolution adopted by the
Plaquemines Parish Council at a meeting held in the Plaquemines Parish Temporary Courthouse
Building, 450 F. Edward Hebert Blvd., Belle Chasse, Louisiana, on Thursday, July 23, 2009.

Secretary